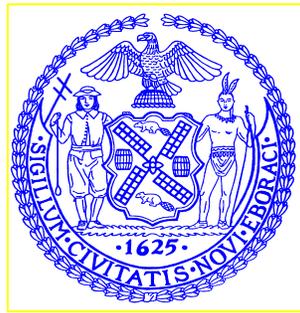


CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD

ANNUAL REPORT

2010



Steven B. Rosenfeld  
*Chair*

Monica Blum  
Angela Mariana Freyre  
Andrew Irving  
Burton Lehman  
*Members*

Mark Davies  
*Executive Director*

2 Lafayette Street, Suite 1010  
New York, New York 10007

<http://nyc.gov/ethics>



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*The New York City Conflicts of Interest Board's Annual Report is designed and produced in-house at 2 Lafayette Street, Suite 1010, New York, New York 10007.*

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## **INTRODUCTION**

For more than a half-century, the New York City Conflicts of Interest Board (“COIB” or “the Board”) and its predecessor agency, the Board of Ethics, have been administering, interpreting, and (in the case of the COIB) enforcing the ethics laws applicable to the more than 300,000 current public servants of the City of New York and all former City employees. One of the Board’s statutory mandates is to recommend, at least every five years, “changes or additions” to the Conflicts of Interest Law (Chapter 68 of the City Charter) that created the Board and that the Board interprets and enforces. Although the Board has recommended changes and additions to Chapter 68 in these Annual Reports, Chapter 68 remained substantially as it was first enacted in 1990 – until 2010.

In 2010, the Board presented to the Charter Revision Commission (“CRC”) a set of comprehensive proposed amendments to the Conflicts of Interest Law (summarized in Section 2 below). From those, the Commission recommended three changes: (1) mandating that every public servant obtain training in the Conflicts of Interest Law; (2) increasing the maximum civil fine for a violation of that law from \$10,000 to \$25,000; and (3) providing for disgorgement of gains or benefits obtained as a result of a violation of the Conflicts of Interest Law. Those changes appeared on the November 2010 ballot and have been enacted into law. In 2011, the Board will seek the enactment of many of the Board’s remaining proposals.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which contains the City’s Conflicts of Interest Law ([http://www.nyc.gov/html/conflicts/downloads/pdf2/books/blu\\_bk.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/books/blu_bk.pdf)). That law, together with the Lobbyist Gift Law enacted in 2006 as sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68’s ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City’s Financial Disclosure Law contained in section 12-110 of the New York City Administrative Code ([http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn\\_bk.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf)).

This Report reviews the Board's accomplishments during 2010, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) the Board's proposed amendments to Chapter 68; (3) training and education; (4) requests for guidance and advice; (5) administrative rules; (6) enforcement; (7) financial disclosure; and (8) budget, administration, and information technology.

**1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD**

Appointed by the Mayor with the advice and consent of the City Council, the Board's five members serve staggered six-year terms and are eligible for reappointment to one additional six-year term. Under the City Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards."

The Board's Chair is Steven B. Rosenfeld, of counsel to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP. He was appointed to the Board in May 2002 and was named Chair in June 2002.

Angela Mariana Freyre, Senior Vice President and Deputy General Counsel of The Nielsen Company, was appointed to the Board in October 2002 and reappointed in March 2005.

Monica Blum, President of the Lincoln Square Business Improvement District, was appointed to the Board in August 2004 and reappointed in October 2006.

Andrew Irving, Senior Vice President and General Counsel of Independent Fiduciary Services, Inc., was appointed to the Board in March 2005.

Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, was appointed to the Board in July 2009.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 20 is divided into six units: Training and Education, Legal Advice, Enforcement, Financial Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Mark Davies.

## **2. PROPOSED AMENDMENTS TO CHAPTER 68**

A major achievement for the Board in 2010 was enactment of the first substantive amendments to Chapter 68 since it first became law 20 years earlier.

In August 2009, pursuant to the mandate of City Charter § 2603(j), the Board issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law. That report reiterated a number of amendments to Chapter 68 that the Board has proposed over the years, such as making ethics training mandatory for all City employees, increasing to \$25,000 the maximum permissible fine for each violation, and adding the remedy of disgorgement of ill-gotten gains to the Board's enforcement powers. The Report proposed numerous other significant substantive amendments to the provisions of Chapter 68, as well as many long-overdue technical and language changes needed to make the law internally consistent and intelligible, as well as in harmony with established Board practice and interpretation. All of the proposed amendments, together with comments on each provision and a summary of the amendments, may be found on the Board's home page at <http://www.nyc.gov/html/conflicts/html/home/home.shtml>.

In 2010, the Board presented its proposed Chapter 68 amendments to the Charter Revision Commission, meeting several times with CRC staff and offering testimony at the Commission's public hearings. In the end, the CRC placed before the voters the Board's proposals to mandate that every City public servant obtain training in the Conflicts of Interest Law, to increase from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and to empower the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. On November 2, 2010, the voters approved those amendments by a five to one majority. They are now part of Chapter 68, in Sections 2603(b), 2606(b), and 2606(b-1) of the Charter.

In 2011, the Board will resubmit most of its remaining proposed changes and additions to the City Council. Included in these proposals are: (a) expanding the definition of those “associated” with a public servant to add grandchildren and grandparents of the public servant, parents, children, and siblings of the public servant’s spouse or domestic partner, and certain step-relatives; (b) adding District Attorneys to the definition of “elected officials”; (c) permitting enforcement of Chapter 68 against non-public servants who induce, cause, or aid a public servant to violate Chapter 68 and permitting non-public servants subject to Chapter 68 to seek advice from the Board; (d) prohibiting any public servant from soliciting a gift of any size; and (e) making explicit that waivers may be granted for *conduct*, as well as for interests, otherwise prohibited under Chapter 68, and that Board may impose conditions on granting a requested waiver. The package of proposed amendments also includes the technical and language changes needed to make the law internally consistent, as well as consistent with Board practice and interpretation. The Board hopes that these proposed amendments will be enacted in 2011.

In addition, the Board continues to believe that a Charter amendment should be enacted providing the Board with an independent budget. Such protection has been one of the Board’s highest legislative priorities for many years. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget, in itself an unseemly conflict that can only undermine the Board’s independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board’s budget from the discretion of the public officials who are subject to the Board’s jurisdiction. Finally, the Board continues to support a change that would give the Board some authority to conduct its own investigations of certain complaints of Chapter 68 violations.

### **3. TRAINING AND EDUCATION**

Section 2603(b)(1) of the Conflicts of Interest Law directs that the Board “shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter.” That is the responsibility of the Board’s Training and Education Unit.

## **Training Sessions**

In 2010 the Unit conducted 279 classes and undertook several training initiatives. The number of classes taught in 2010 is almost identical to the number of classes taught in 2009, resulting from very similar staffing challenges, as described in Exhibit 3 to this Report. For the first eight months of the year the unit functioned with a staff of one. While it had already moved to fill its Senior Trainer vacancy in November 2009, the Board was not given budgetary approval for the hire until August 2010. Even so, the Unit maintained a high standard of productivity. In comparison, in 2000, when the Unit taught 377 classes, it had a staff of three full-time trainers, one part-time trainer, and one administrative associate. Thus, in 2010, even with a staff of one for two-thirds of the year, the Unit was more than twice as productive as it was in 2000, thanks to the hard work of Director of Training and Education Alex Kipp and Trainer Phil Weitzman.

This past year, the Unit trained the entire staffs of several agencies, including the Bronx Borough President's Office, the Campaign Finance Board, the City Council, the Department of Buildings, the Department of Transportation, and the Public Advocate's Office. Training at the Department of Education continued, with a total of 9 classes. In all, as summarized in Exhibit 4 to this Report, during 2010 the Unit presented classes at 37 City agencies and offices, reaching approximately 10,571 City employees.

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and letting public servants know how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board's attorneys, conducted 19 Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year, including a general two-hour course for City attorneys of various agencies; several shorter "Special Topics" classes; one class for new lawyers at the

Law Department, continuing a model begun in 2004; several classes for assistant district attorneys in Brooklyn and Manhattan; and several classes in Chapter 68 Enforcement geared to the disciplinary counsel of City agencies. The Unit also continued its cooperation with the Department of Citywide Administrative Services in offering Citywide CLE classes in Chapter 68, both general and specialized, sponsored by the Citywide Training Center. Thanks go to the Board's attorneys for sharing teaching responsibilities with the Unit.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, "Ask the City Ethicist," in *The Chief* and the Board's own newsletter, *The Ethical Times*. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads. Several agencies have reported that they distribute the newsletter electronically to their entire staff.

With the cooperation of the Mayor's Office of Contract Services, the Training and Education Unit developed curricula and materials for a series of training sessions for not-for-profit organizations receiving discretionary grants from the City Council. The Board's portion of these day-long capacity building sessions focuses on the issues faced by these not-for-profits when they employ public servants or have public servants sitting on their boards, as well as on the Board's recent advisory opinion concerning City Council discretionary funding. Sixteen such sessions were conducted in 2010, covering all boroughs, with more sessions to come in 2011. Training and Education Director Alex Kipp also travelled upstate to conduct a similar class at a retreat hosted by the New York Council of Not-for-Profits.

### **"Train the Trainer"**

The Board has for many years sought to leverage its ability to train large numbers of public servants by training those in City agencies whose responsibilities include ethics training of their colleagues – a program called "Train the Trainer." In support of the Board's ongoing "Train the Trainer" program, the Training and Education Unit in 2010 continued hosting its Brown Bag Lunch series, a monthly lunchtime discussion group that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants included the training staffs of several agencies who are involved in teaching

ethics, as well as attorneys who work directly with Chapter 68 issues at their agencies. CLE credit was offered at several of the Brown Bag sessions.

### **The Impact of Mandatory Training**

As noted in Section 2, on November 2, 2010, the voters of New York overwhelmingly approved a change to the City Charter making ethics training *mandatory* for all public servants of the City. That reform has the potential to dramatically increase the amount of training conducted by the Board's Training and Education Unit. While the Conflicts of Interest Law had always clearly mandated that the Board offer training, no reciprocal mandate ever existed for public servants to undergo training. Consequently, until now, Chapter 68 training was largely optional. As a result of the change enacted in 2010, all 300,000 public servants of the City now *must* receive such training every two years. While the Board hopes that much of this mandate can be met using computer-based programs that the Training Unit is currently developing, the Board nevertheless believes budgetary authorization to expand the Unit in order to fulfill this new mandate will be required.

### **Website, Publications, and Media Outreach**

The Internet remains one of the most essential tools for Chapter 68 outreach. In 2010 the Board's website (<http://nyc.gov/ethics>) had 761,835 views. With the help of the Department of Information Technology and Telecommunication, the Training Unit completely overhauled the Board's website. Its look was updated and, more importantly, it was reorganized to make it even more navigable. The site still includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links, but also now includes new pages and repositories of information.

In anticipation of the now-enacted requirement of mandatory training, the Training Unit created a pilot "online" training program for the new site. This comprehensive program uses video clips and quizzes to give a broad overview of Chapter 68. Eventually this program will be available to agencies as an option to fulfill their obligation under Chapter 68 to train all their employees with a Board-approved program. While the program already exists in a working version, it lacks a content management system that would give the Unit and City agencies the ability to track completion of the

program. The Unit began research into this vital and expensive missing component in 2010 and looks forward to implementing a solution in 2011.

The Board continues to post new publications on its website, so that all Board publications, including the texts of Chapter 68, the Board's Rules, the Financial Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available to be downloaded from the website at <http://www.nyc.gov/html/conflicts/html/law/law.shtml> as well as from CityShare, the City's Intranet. Recent articles by Board attorneys and installments of "Ask the City Ethicist" have also significantly added to the number of publications available online. In 2010, the Unit completed a comprehensive overhaul of all of its extant leaflets (both in print and electronic form), updating both format and content, and posted its new training video on the web, allowing anyone with a computer to watch a 30-minute overview of the Conflicts of Interest Law.

### **Seminar**

The Board's Sixteenth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 18, 2010, was a great success. More than 250 public servants attended, representing approximately fifty City agencies. At the event's opening plenary session, Mayor Bloomberg once again gave the keynote address, and Board Chair Steven B. Rosenfeld presented a "State of the Board" report of the Board's work in 2009. The Sheldon Oliensis Ethics in Government Award was presented to Rose Tessler, Jonathan Wangel, and Daisy Lee Sprauve for their efforts in promoting a culture of integrity at the Department of Health and Mental Hygiene, particularly in the areas of training and enforcement. A list of past recipients of the award may be found in Exhibit 5 to this Report.

The Board's Seventeenth Annual Seminar on Ethics in New York City Government will again be held at New York Law School on May 17, 2011.

### **International Visitors and Government Ethics Associations**

In 2010, Director of Financial Disclosure and Special Counsel Julia Davis and Director of Enforcement Carolyn Lisa Miller attended the annual conference of the Council on Government Ethics Laws ("COGEL"), the

premier government ethics organization in North America. Ms. Miller participated on a panel called “Ethics Enforcement: Making it Work.” Ms. Davis made a presentation on the Board’s electronic filing application at a session on “Electronic Disclosure.” COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board’s game show, an interactive ethics quiz, and electronic filing of financial disclosure reports.

In May 2010, Executive Director Mark Davies participated on a panel on “Shared Ethics Issues at Different Levels of Government” at the 17<sup>th</sup> National Government Ethics Conference, hosted by the U.S. Office of Government Ethics. He also gave a presentation on “How to Advise Municipal Clients on Ethical Matters” for Pace Law School. Mr. Davies and Ms. Miller were guests on a WVOX radio talk show focusing on government ethics

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in updating and improving their ethics laws. Resources permitting, Board staff members attempt to respond to those requests, whenever possible by e-mail, although occasionally in person. Thus, Board staff met with officials from Fujian, Tianjin, Dalian, and Jiangsu, China, as well as a delegation from Slovakia, at the request either of the U.S. State Department or the delegation organizers themselves.

Time permitting, Board staff also occasionally assists other jurisdictions seeking to revise their ethics laws. For example, in 2010, the Executive Director submitted testimony to the Suffolk County Legislature on the state’s financial disclosure mandates for local government. He also chaired the Municipal Ethics Subcommittee of the New York State Bar Association Government Ethics Task Force appointed by Association President Steven Younger. That Task Force crafted a comprehensive report on government ethics reform for presentation to the Association’s House of Delegates in January and, with their approval, to the Governor and state legislature. Mr. Davies also reviewed and commented upon drafts of ethics law for a county in upstate New York.

Mr. Davies continues to serve as the Co-Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association’s Municipal Law Section and on the Board of Directors of

Global Integrity, an independent provider of information on governance and corruption trends around the world, and was also appointed to the American Law Institute Principles of Government Ethics Project. Director of Enforcement Carolyn Lisa Miller serves as a member of the Professional and Judicial Ethics Committee of the New York City Bar. In 2010 Board Chair Steven Rosenfeld taught a seminar in “Government Ethics” at CUNY Law School.

#### **4. REQUESTS FOR GUIDANCE AND ADVICE**

Section 2603(c)(1) of the City Charter requires the Board to “render advisory opinions with respect to the matters covered by” Chapter 68, “on the request of a public servant or a supervisory official of a public servant.” Obtaining advice from the Board can afford public servants a safe harbor against future enforcement action: section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action “shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.” The Board’s Legal Advice Unit is charged with responding to the hundreds of written, and thousands of telephonic, requests for advice received by the Board each year.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past several years, and the enormous increase in that Unit’s productivity. Exhibits 1 and 6 to this Report summarize the Unit’s work in 2010 and prior years.

In 2010, the Board responded in writing to 523 requests for its advice, an 8% increase over its 2009 output. As shown in Exhibit 8 to this Report, this output consisted of 208 staff advice letters, 234 waiver letters signed by the Chair on behalf of the Board,<sup>1</sup> 79 Board letters and orders reflecting Board action, and two public Advisory Opinions.

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<sup>1</sup> Under section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action “otherwise prohibited” by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action “would not be in conflict with the purposes and interests of the city.” By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

In 2010 Board staff also answered 3,246 telephone requests for advice. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities. Such calls, however, consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for advising the Board on advice matters pending before it and drafting written advice and advisory opinions.

As detailed in Exhibit 7 to this Report, the Board in 2010 received 599 written requests for advice, an 8% increase over last year's total. The number of the Board's pending advice cases at year end rose to 162 matters, largely the result of a surge in requests in the final months of the year. Recognizing that advice delayed is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in Exhibit 6, in 2010 the Board's median response time to written requests for advice remained at 24 days, its lowest level since 2001.

The two public Advisory Opinions issued by the Board in 2010 were:

- (1) AO 2010-1 – Concurrent Service on a Community Board and a Community Education Council

The Board's first 2010 Advisory Opinion was issued in response to a request from a member of a community board who also served on a community education council of the Department of Education and who advised the Board that some of the same matters that she considered at the community education council were likely to come before her community board. She asked what restrictions, if any, the Conflicts of Interest Law would place on her participation at the community board in the consideration of such matters. The Board distinguished its Advisory Opinion No. 93-2, which had determined that members of community boards who also served on the community school boards of the Board of Education (the predecessors of the community education councils) could not vote at the community board on a matter that came before the community school board on which they served, by noting that, unlike their predecessors, community education councils have no administrative or executive functions and are, like community boards, largely advisory bodies. The Board accordingly held that it will not violate Chapter 68 for a

person who concurrently serves on a community education council of the Department of Education and a community board to consider and vote on a matter at one entity that had been or might be considered at the other entity, or to chair a committee at one entity that might consider matters that had been or might be considered at the other.

(2) AO 2010-2 – Cash Prizes in Recognition of City Service

The Board's second Advisory Opinion responded to several requests for advice as to whether public servants could accept certain cash awards in recognition of their public service, each request accompanied by a written statement from the public servant's agency head or from the Mayor, asserting the opinion that accepting the award in question would not conflict with the purposes and interests of the City. The Board first determined that accepting a cash prize in recognition of one's City service from any source other than the City would, absent a waiver from the Board, violate the prohibition in Charter § 2604(b)(13) against receiving compensation except from the City for performing one's City duties. The Board determined, however, that it would entertain applications for waivers of § 2604(b)(13) with respect to such awards and would evaluate those applications in light of criteria set forth in the Opinion. The enunciated criteria included (a) the identity and nature of the person(s) or entit(ies) presenting and/or funding the award, in particular whether the presenter(s) or funder(s) have business dealings with or matters before the City, especially if such dealings are with the award recipient's own agency; (b) the identities of the recipients of the award, such as whether the award is targeted to a particular small group of City employees rather than to a broad range of City workers; (c) the involvement of the City in the administration of the award and/or selection of the award recipients; (d) the amount of the prize, including whether the amount varies depending on the identity of the recipient; and (e) the history of the prize, that is, whether there is a track record of apparent disinterested promotion of excellence in public service. Based these criteria, the Board granted the requested waivers – and announced that individual waiver applications would not thereafter be necessary – to enable public servants to accept the Frederick O'Reilly Hayes Prize, the Alfred P. Sloan Public Service Award, the Isaac Liberman Public Service Award, and the E. Virgil Conway College Scholarship, provided that the facts surrounding the

funding and awarding of these awards remained substantially as described in the Opinion. The Board concluded by noting that it would consider waiver requests with respect to other cash prizes and awards on a case-by-case basis, on written application of the proposed recipient's agency head, and that it might in the future exempt other such awards from the requirement of individualized waiver applications.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Training and Education Unit, the Legal Advice Unit has also developed a large e-distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of most City agencies. However, in an important cost-saving measure, the Board has discontinued the distribution of these materials by mail. Working in cooperation with New York Law School's Center for New York City Law, the Board has made its advisory opinions available on-line in full-text searchable form, free of charge to all ([http://www.nyls.edu/centers/harlan\\_scholar\\_centers/center\\_for\\_new\\_york\\_city\\_law/cityadmin\\_library](http://www.nyls.edu/centers/harlan_scholar_centers/center_for_new_york_city_law/cityadmin_library)). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help address its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, eight law student interns worked part-time for the Legal Advice Unit. These individuals contributed substantially to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Sung Mo Kim, Associate Counsel Karrie Ann Sheridan, and Assistant Counsel Jessie Beller.

## **5. ADMINISTRATIVE RULES**

In April 2010 the Board published the Notice of Adoption of an amendment to its Rule 1-11 setting the minimum dollar amount for the definition of “ownership interest” contained in Charter § 2601(16). The Charter requires the Board to amend this rule every four years to account for inflation. The 2010 amendment increased the dollar amount from \$40,000 to \$44,000. The full text of the Board’s rules may be found on the Board’s website at

[http://www.nyc.gov/html/conflicts/downloads/pdf2/books/red\\_book.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/books/red_book.pdf).

## **6. ENFORCEMENT**

Despite the Board’s best efforts, through its Training and Education and Legal Advice Units, to prevent Conflicts of Interest Law violations before they occur, public servants at all levels still occasionally violate Chapter 68, either intentionally or inadvertently. In order to address those violations, and in so doing inform the public that violations of the Conflicts of Interest Law are taken seriously by City government, sections 2603(e)-(h) and 2606 of Chapter 68 invest the Board with enforcement power. This power includes the authority to receive complaints regarding alleged violations of the Conflicts of Interest Law, refer those complaints to the Department of Investigation (“DOI”) for investigation, and thereafter, if warranted, pursue administrative proceedings against alleged violators. The Board’s Enforcement Unit is responsible for discharging these functions.

In 2010, the Enforcement Unit continued to meet its previous year’s high standard of productivity, resolving and publishing 76 dispositions involving payment of a fine and 36 dispositions involving public warning letters, the latter reflecting a 71% increase over 2009. Overall, the Board published 22% fewer dispositions in 2010 than in 2009, but the aggregate of fines imposed was relatively steady: \$145,850 in 2010 compared with \$161,050 in 2009. The Unit expects the aggregate fines to increase in the coming year by virtue of the Chapter 68 amendment approved by the voters, raising the maximum fine for a violation of Chapter 68 from \$10,000 to \$25,000. City voters also empowered the Board to order repayment to the City of any gain or benefit a public servant obtained as a result of a proven or admitted violation of Chapter 68.

Summaries of the 112 dispositions of 2010, each of which is a matter of public record, are annexed to this Report. Summaries of all the Board's enforcement dispositions from 1990 to the present are available on the Board's website at [http://www.nyc.gov/html/conflicts/downloads/pdf2/enf%20docs/Enforcement\\_Case\\_Summaries.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/enf%20docs/Enforcement_Case_Summaries.pdf) for use by any interested party – City employees, members of the public or press, and individuals and attorneys appearing before the Board. The dispositions themselves, like the Board's advisory opinions, are available on the CityLaw website free of charge to all in full-text searchable form at [http://www.nyls.edu/centers/harlan\\_scholar\\_centers/center\\_for\\_new\\_york\\_city\\_law/cityadmin\\_library](http://www.nyls.edu/centers/harlan_scholar_centers/center_for_new_york_city_law/cityadmin_library).

Of the 112 dispositions published in 2010, the following cases were particularly noteworthy:

(1) The settlement in *COIB v. Fischetti*, COIB Case No. 2010-035 (2010), involved a fine of \$20,000 – matching the Board's highest-ever fine imposed in a settlement. The settling respondent was a former Senior Deputy Director for Information Technology at the New York City Housing Authority ("NYCHA") who admitted that, in October 2005, he had sought an opinion from the Board as to whether, in light of his position at NYCHA, he could acquire a 50% ownership interest in the restaurant 17 Murray and had been advised, in writing, that he could own the restaurant, *provided that*, among other things, he did not devote any City time or resources to the restaurant, did not use his City position to benefit the restaurant, and did not appear before any City agency on behalf of the restaurant. The Senior Deputy Director then proceeded to ignore almost all of the Board's advice, appearing before multiple City agencies on behalf of the restaurant, using City time and resources – including his NYCHA computer, Blackberry, e-mail account, and van – to perform work for the restaurant, and obtaining the unpaid assistance of his NYCHA subordinate to work at the restaurant. The former Senior Deputy Director admitted that in so doing he violated the Conflicts of Interest Law, which prohibits the use of City resources, including City funds and City personnel, for any non-City purpose, prohibits public servants from using or attempting to use their positions as public servants to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for themselves or any person or firm associated with them, and prohibits public servants from appearing

before the City on behalf of a private interest. In imposing a \$20,000 fine, the Board emphasized that heavier penalties will attend a violation committed by a public servant or former public servant after having received direct contrary advice from the Board about the subject of the violation.

(2) A public warning letter issued to a former Commanding Officer at the New York City Police Department (“NYPD”) Office of Labor Relations (“OLR”) emphasized that public servants have a duty of reasonable inquiry to determine whether they have ever personally and substantially participated in a particular matter on which they are considering working after leaving City service. In *COIB v. McCabe*, COIB Case No. 2008-129 (2010), the former Commanding Officer, after retiring from the NYPD, was retained as an expert witness in a lawsuit against the City, in which he had personally and substantially participated while at the NYPD. The Board found that, although the former Commanding Officer had attended only one meeting concerning the lawsuit while at the NYPD Office of Labor Relations, his participation in the lawsuit was personal and substantial because, at the time, he was the highest uniformed officer at NYPD OLR and was not merely an attendee at the meeting but was consulted with and asked to gather documents for the City’s defense. While the former Commanding Officer represented that he did not recall participating in the meeting while at the NYPD, the Board made clear in its warning letter that he should have asked the NYPD *and* the New York City Law Department Labor and Employment Division, which participated in the City’s defense, whether he had participated in the lawsuit in any way before agreeing to serve as an expert witness against the City.

(3) Invoking a provision of the Conflicts of Interest Law that has only been the subject of one previous public disposition, the Board in *COIB v. Keaney*, COIB Case No. 2009-600 (2010), fined a former Deputy Chief of Staff to the City Council Speaker \$2,500 for soliciting contributions to the Speaker’s re-election campaign. The respondent was an individual with “substantial policy discretion” within the meaning of §2604(b)(12) of the City Charter and was thus prohibited by that section from asking anyone to make a political contribution for any candidate for City elective office (such as City Council) or for any elected official of the City (such as a City Council Member) who is a candidate for any elective office -- a prohibition

that does not apply to solicitations made by elected officials themselves. The Speaker's former Deputy Chief of Staff made between six and twelve calls to union representatives to ask that they serve on the Host Committee for an event planned for labor unions as part of the Council Speaker's re-election campaign, service that would have required a contribution to the campaign.

(4) In *COIB v. Ricciardi*, COIB Case No. 2008-648 (2010), the Board made clear that even unpaid public servants are subject to the Conflicts of Interest Law, fining a former (unpaid) Member of the Board of Directors of the New York City Health and Hospital Corporation ("HHC") \$13,500 for his multiple violations of the City's Conflicts of Interest Law. The former Board Member acknowledged that, during the time that he served on the HHC Board of Directors, he also held a series of paid positions with a foreign medical school (the "School") that had contracted, since 1977, with multiple HHC facilities to provide placements for the School's students in clinical clerkship programs at HHC hospitals and then, in 2007, entered into a comprehensive, agency-wide contract for the placement of the School's students. In light of his positions at the School and on the Board, the former Board Member was aware of the School's business dealings with HHC. The former Board Member admitted that by simultaneously having a position with both HHC and the School he violated Charter § 2604(a)(1)(a), which prohibits a public servant from having a position with a firm that the public servant knows or should know is engaged in business dealings with the public servant's agency. The former Board Member further acknowledged that, in having these dual roles at the School and on the HHC Board of Directors, he created at least the appearance that the actions he took as a Board Member were done in part to benefit the School, in violation of Charter § 2604(b)(2), which prohibits a public servant from having any private business, interest, or employment that is in conflict with the proper discharge of the public servant's official duties. The former Board Member further acknowledged that, while he was a Board Member, he contacted HHC personnel at different HHC facilities on behalf of the School about increasing the number of placements available at those facilities for the School's students, in violation of Charter § 2604(b)(6), which prohibits a public servant from appearing for compensation before any City agency on behalf of a private interest.

The Enforcement Unit continued its use of the “three-way settlement” procedure to resolve Board cases that overlap with disciplinary proceedings brought by other City agencies, as a way to conserve resources of both the Board and other City agencies, and achieve finality for affected public servants. The importance of three-way settlements to the Board’s enforcement practice is evidenced in the fact that 35 of its 76 dispositions imposing fines in 2010 were concluded in conjunction with agencies, including the Administration for Children’s Services, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Housing Preservation and Development, the Department of Parks and Recreation, the Department of Sanitation, the Fire Department, the Housing Authority, the Human Resources Administration, and the Office of the Chief Medical Examiner.

The Enforcement Unit also continued to prosecute cases and impose fines against former public servants for conduct that occurred while they were public servants. Of the many such enforcement actions brought by the Board in 2010, one notable case, *COIB v. D. Mitchell*, COIB Case No. 2008-397 (2010), involved a former Supervisor of Caretakers at the Sheepshead/Nostrand Houses of the New York City Housing Authority (“NYCHA”) who was fined \$6,000 for lending money at an approximately 30% interest rate to at least two caretakers he supervised. Although the former Supervisor of Caretakers had already resigned from NYCHA and pled guilty to one count of Criminal Usury in the Second Degree, a Class E Felony, resulting in a sentence of five years probation, the Board still brought an enforcement action against him. The prosecution of cases like this serves as an important reminder to public servants that they cannot insulate themselves from enforcement of the Conflicts of Interest Law simply by leaving City service, either voluntarily or in the face of an investigation or charges, and that, under section 2603(h)(6) of the City Charter, the Board retains ultimate authority to pursue violations committed by current or former public servants, regardless of what action is taken by the public servant’s agency – or a District Attorney’s Office – concerning that violation.

The Board also prosecutes cases against former public servants for conduct that occurs *after* they leave City service. Thus, in four cases in 2010 (*Gill*, *King*, *Macaluso*, and *McCabe*), the Board fined former public servants for violating the Charter’s “post-employment provisions,” which prohibit former public servants from appearing before their former City

agencies within one year after leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not otherwise available to the public. Former public servants who do not comply with the post-employment provisions of the Conflicts of Interest Law after they leave public service face Board enforcement action.

In addition to working on complaints arising out of Chapter 68, in 2010 the Enforcement Unit continued to assist the Legal Advice Unit in rendering telephonic advice to public servants and members of the public who contact the Board daily. The Enforcement Unit also participated in the work of the Training and Education Unit by conducting classes and seminars for public servants, including Enforcement Training Workshops to increase awareness of the Board's enforcement process among agency disciplinary counsel and investigators and to promote the use of three-way settlements in parallel disciplinary proceedings. With that goal in mind, the Enforcement Unit conducted a special in-house workshop for representatives of eleven different City agencies, including the Administration for Children's Services, the Department of Citywide Administrative Services, the Department of Consumer Affairs, the Department of Correction, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Homeless Services, the Fire Department, the Human Resources Administration, and the New York City Housing Authority.

From these workshops and other outreach efforts, the Unit has developed a large e-distribution list for Board dispositions, so that disciplinary counsel and other interested staff at agencies are regularly informed about recent Board fines and other dispositions, better enabling those agency staff to identify Conflicts of Interest Law violations in their own agencies for possible referral to the Board. Anyone, whether a public servant or a member of the public, can be included in the Board's e-distribution list for Board dispositions by contacting Director of Enforcement Carolyn Lisa Miller at [miller@coib.nyc.gov](mailto:miller@coib.nyc.gov).

The awareness of Chapter 68's enforcement procedures fostered by these workshops, and the Board's many other training, education, and outreach efforts, as well as reviews of financial disclosure reports for possible conflicts of interest, continue to feed the workload of the

Enforcement Unit. Exhibits 9 and 10 to this Report show that in 2010 the Board received 523 new complaints, closed 522 cases, and referred 70 matters to DOI for investigation.

The Board relies on the public, public servants, and the media to bring to its attention possible violations of Chapter 68, including violations of advice given by Board. Written complaints may be submitted to the Board by mail to the attention of the Director of Enforcement or through the Board's website by clicking the button "File a Complaint" on the home page at [http://www.nyc.gov/html/conflicts/html/about/file\\_complaint.shtml](http://www.nyc.gov/html/conflicts/html/about/file_complaint.shtml).

As Exhibit 11 to this Report shows, the Chapter 68 fines imposed in Board proceedings in 2010 amounted to \$145,850, reflecting a slight (\$15,200) decrease from 2009. Total civil fines imposed in Board and criminal proceedings for substantive violations of Chapter 68 from 1990, when the Board gained enforcement authority, through 2010 have amounted to \$1,667,067.75.

In addition to its public dispositions with the imposition of fines, the Board is also able to educate public servants about violations of the Conflicts of Interest Law through public and private warning letters carrying no fine. In 2010, the Board issued 36 public warning letters, as noted above, and 76 private warning letters, the latter reflecting a 49% increase from 2009. Furthermore, fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain. Nor do fines show the related savings when DOI's findings and Board enforcement actions lead to agency disciplinary proceedings that result in termination, demotion, suspension, and forfeiture of salary and/or leave time.

The Board thanks the Enforcement Unit staff for its continued professionalism and productivity, including Carolyn Lisa Miller, Director of Enforcement; Dinorah S. Nuñez, Deputy Director of Enforcement; Vanessa Legagneur, Associate Counsel for Enforcement; Bre Injeski, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. The Board also extends sincere thanks to DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District ("SCI") Richard J. Condon, and their entire staffs for the invaluable

work of DOI and SCI in investigating and reporting on complaints of violations of the Conflicts of Interest Law.

## **7. FINANCIAL DISCLOSURE**

Under section 2603(d) of Chapter 68, the Board receives “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law...” Under current law, nearly 8,000 City public servants are required to file financial disclosure reports with the Board. Thanks to the Electronic Financial Disclosure (“EFD”) initiative begun by the Board in 2005, all such reports are now filed with the Board electronically.

City employees continue to show an excellent compliance rate in filing their mandated annual financial disclosure reports. As detailed in Exhibit 12 to this Report, the overall rate of compliance with the Financial Disclosure Law, set forth in section 12-110 of the New York City Administrative Code ([http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn\\_bk.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/books/grn_bk.pdf)), for the past six years has been 97.5%. This superb record must be attributed in large part to the excellent work of the Financial Disclosure Unit: Julia Davis, Director of Financial Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Financial Disclosure; Sung Mo Kim, EFD Project Manager<sup>2</sup>; Holli Hellman, Associate EFD Project Manager and Supervising Financial Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Rodriguez, Assistant Financial Disclosure Analyst and Agency Receptionist.

### **Filing and Review of Financial Disclosure Reports**

The electronic application continued to make the filing of financial disclosure easier for filers, especially since the reports appear “pre-populated” for all filers who had electronically filed the previous year’s report. Those filers merely review and update their prior year’s report, an effort that for most filers requires only a few minutes. Filers also continued to file remotely, that is, from home or other non-work locations.

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<sup>2</sup> Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

During the 2010 filing period, the Financial Disclosure Unit responded to 1,489 calls requesting assistance with filing. To insure a smooth filing period for 2011, the Board conducted training for agency financial disclosure liaisons. Thirty-one liaisons attended trainings held in November and December 2010.

Finally, the Financial Disclosure Unit, in conjunction with the Department of Information Technology and Telecommunications, continued to build an application to facilitate the Board's review of filed reports. That application, which is scheduled to be implemented in 2011, will enable authorized Board staff to conduct searches of the information provided in financial disclosure reports, thus making reviews for possible conflicts of interest easier, quicker, and more efficient.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2010, the Unit conducted 9,468 reviews of reports filed for reporting years 2008 and 2009. For the first time in the Board's history, all reports filed for one year (2009) were reviewed for conflicts of interest, a review that, while mandated by Charter § 2603(d)(2), proved impossible until electronic filing was implemented. The Unit also reviewed Board waiver letters issued pursuant to Charter § 2604(e) that granted permission for second jobs, to insure that these jobs were properly reported on the filer's financial disclosure report. It also reviewed financial disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. These reviews resulted in 116 letters, nine of which were requests to filers to amend their financial disclosure reports, 103 of which were requests to obtain permission for second, non-City positions, and four of which were requests to address potential violations of the Conflicts of Interest Law.<sup>3</sup> As of year's end, four filers amended their reports, 34 waivers had been issued, 12 requests for waivers and one request for advice were pending, and one filer resigned the non-City position. In addition, 19 filers responded by providing explanations to the Board addressing the matter of inquiry.

### **Financial Disclosure Appeals**

Public servants who dispute determinations that they are required to file financial disclosure reports are permitted to appeal those determinations.

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<sup>3</sup> Twenty-five of these letters addressed 2008 financial disclosure reports.

On July 1, 2010, a justice of the Supreme Court, New York County, upheld the Board's decision and order denying an appeal by employees of the Comptroller's Office who contested their designation as required filers. The Comptroller's Office had designated employees in the title of Claims Specialists Level II as filers pursuant to New York City Administrative Code section 12-110(b)(3)(a)(4), which requires filing by employees whose work involves "the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, variances and special permits." In upholding the Board's determination, the court found that it was the Board's "duty to protect the integrity of government decision-making by having [the Comptroller's Office employees] file financial disclosure reports, and, as previously stated, COIB's interpretation of its own regulations is entitled to deference and will only be overturned if it is unreasonable or irrational." The Court's decision and order can be found on the Board's website at [http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/decision\\_art\\_78\\_fd\\_appeal\\_comptroller\\_off.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/decision_art_78_fd_appeal_comptroller_off.pdf). The decision was noted as a decision of interest in the New York Law Journal on July 23, 2010, and was published there in its entirety on July 27, 2010.

On January 25, 2010, the Board issued an order concerning an appeal by an employee of the Department of Juvenile Justice who contested her designation as a policymaker and, therefore, as a required filer. The Board's decision and order can be found on the Board's website at [http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/board\\_order\\_mcinnis\\_djj.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/board_order_mcinnis_djj.pdf).

In 2010, pursuant to Administrative Code section 12-110 (c)(2), the Board proposed a new rule concerning financial disclosure appeals to institute a uniform process for these appeals. The rule provides for input by the filer at every stage of the proceeding, including after a draft recommendation is prepared, and, in certain cases, for an evidentiary hearing. The rule, which will become effective in early 2011, in advance of the 2011 filing period, can be found on the Board's website at [http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/final\\_financial\\_disclosure\\_appeals\\_rule.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/final_financial_disclosure_appeals_rule.pdf).

### **Financial Disclosure Enforcement**

Section 12-110(g) of the City's Financial Disclosure Law empowers the Board to impose fines of up to \$10,000 for non-filing or late filing of a

financial disclosure report. During 2010 the Board collected \$21,600 in late filing fines for reporting years 2007, 2008, and 2009, including three fines of \$1,000, two of which addressed the failure to file for multiple years. Since the Board assumed responsibility for financial disclosure in 1990, the Board has collected \$546,948 in financial disclosure fines.

The Board also commenced three proceedings at the City's Office of Administrative Trials and Hearings concerning filers who had failed to submit financial disclosure reports for multiple years. Of the three filers, one, who had failed to file for calendar years 2007, 2008, and 2009, filed those reports and agreed to pay a fine of \$1,750. The other two cases did not settle and proceeded to trial.

### **Public Inspection of Financial Disclosure Reports**

Section 12-110(e) of the City's Financial Disclosure Law provides that certain information contained in financial disclosure reports shall be made available for public inspection. In 2010 there were 1,071 requests for reports, 974 of which were from the media, which resulted in the following newspaper articles addressing financial disclosure filings:

- The May 25, 2010, issue of the *New York Daily News* and the August 4, 2010, issue of the *Wall Street Journal* each contained an article discussing the Police Commissioner's trips on the Mayor's private jet.
- The July 20, 2010, *New York Times* City Room blog discussed travel of City officials that was paid for by others.
- The July 21, 2010, issue of the *New York Daily News* contained an article discussing the credit card debt of New York City Council members.<sup>4</sup>
- The July 21, 2010, issue of the *New York Post* contained an article discussing the Brooklyn Borough President's acceptance of a trip to Turkey.

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<sup>4</sup> This article was noted in the July 26, 2010, column, "This Week in Credit Card News," published on the blog of *Forbes* magazine.

- The July 21, 2010, issue of the *Wall Street Journal* and a July 21, 2010, entry in the *Gothamist* each contained an article discussing the travel and debt of elected officials.<sup>5</sup>
- The July 21, 2010, issue of the *Gotham Gazette* contained an article discussing the moonlighting positions of City Council members.
- An August 3, 2010, release of the Associated Press and the August 3, 2010, issue of the *New York Post* each contained an article discussing a Deputy Mayor's ownership of stock in Forest City Enterprises.
- The August 4, 2010, issue of the *New York Post* contained an article discussing the supplemental pay three mayoral aides received from a private company created by the Mayor.
- The August 24, 2010, issue of the *New York Times* and the August 25, 2010, issue of the *New York Daily News* each contained an article discussing the former New York County District Attorney's ownership of stock in a company that sought assistance from Congressman Charles B. Rangel.
- The October 26, 2010, issue of the *New York Times*, the October 26, 2010, issue of the *New York Daily News*, the October 26, 2010, issue of the *New York Post*, and the October 27, 2010, issue of the *New York Daily News* contained articles on the New York City Police Foundation's payment of the Police Commissioner's dues and expenses at the Harvard Club. The Associated Press also published an item on this subject.

The Financial Disclosure Unit also receives requests for certifications of compliance for departing City employees who need such documents to receive their final paycheck and/or any lump sum payment, pursuant to section 12-110 (b)(3)(b) of the Administrative Code. In 2010, 456 such certifications were issued, representing a 30% increase from 2009.

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<sup>5</sup> The *Wall Street Journal* article was also published in *Vos Iz Neias?*, a newspaper which calls itself "The Voice of the Orthodox Jewish Community."

### **Financial Disclosure on COIB's Website**

The Board's website now includes all the public questions contained in the electronic filing application. These questions can be found on the Board's website at [http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/electronic\\_financial\\_disclosure\\_application\\_questions.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/electronic_financial_disclosure_application_questions.pdf).

### **8. ADMINISTRATION AND INFORMATION TECHNOLOGY**

The Board thanks its Director of Administration, Ute O'Malley, and Deputy Director of Administration, Varuni Bhagwant, for their continued perseverance in the face of increasing administrative burdens. The Board also thanks its Director of Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running, has provided the Board with the technical expertise necessary to implement electronic financial disclosure filing, and has supervised the implementation of upgrades to the Board's IT infrastructure.

EXHIBITS  
AND  
APPENDICES

**EXHIBIT 1**  
**CONFLICTS OF INTEREST BOARD: 1993, 2001, 2009, 2010**

<i>Agencywide</i>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$1,882,779 (FY10)	\$2,022,327 (FY11)
Staff (budgeted)	26	23 <sup>3</sup> / <sub>5</sub> <sup>1</sup>	20 <sup>2</sup>	20
Highlights		Virtually all ethics publications on website; opinions & enforcement decisions on Westlaw & Lexis	Highest amount of enforcement fines ever imposed by Board	All financial disclosure reports filed during year reviewed for conflicts of interest
<i>Legal Advice</i>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	4 attorneys
Telephone requests for advice	N/A	1,650	3,277	3,246
Written requests for advice	321	539	557	599
Issued opinions, letters, waivers, orders	266	501	484	523
Opinions, etc. per attorney	53	167	121	131
Pending requests at year end	151	40	138	162
Median time to respond to requests	N/A	23 days	24 days	24 days
<i>Enforcement</i>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
New complaints received	29	124	443	523
Cases closed	38	152	472	522
Dispositions imposing fines	1	9	98	76
Public warning letters	0	2	21	36
Fines imposed	\$500	\$20,450	\$161,050	\$145,850
Referrals to DOI	19	49	77	70
Reports from DOI	N/A	43	132	132

<b>Training and Education</b>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Staff	1	4 <sup>3/5</sup> <sup>1</sup>	2 <sup>3</sup>	2 <sup>4</sup>
Training sessions	10	190 24 agencies; CLE	286 50 agencies; Brown Bag Lunches; new outreach to City Council; new CLE offering; new interactive presentation for Citywide seminar	279 37 agencies; Brown Bag Lunches; training for all employees of City Council; new presentation for Citywide seminar; new curriculum targeted at not-for-profits
Board of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	33 training sessions	9 training sessions
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Continued monthly column in <i>The Chief</i> ; new leaflet for NYCHA employees; new follow-up flyer created; revision of all leaflets begun	Over 50 Continued monthly column in <i>The Chief</i> ; complete overhaul of all leaflets
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> continued
Videotapes	None	3 half-hour training films; 2 PSA's	Video finished and incorporated into training	Training video posted online

<b><i>Training and Education (cont'd)</i></b>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Electronic training	None	Computer game show; Crosswalks appearances	Regular website maintenance and updates; development of online interactive training, website overhaul, and creation of search engine of Board AOs and enforcement dispositions begun with DoITT	Total overhaul of website completed, pilot electronic training program created; research conducted into e-learning content management systems
<b><i>Financial Disclosure</i></b>	<b>1993</b>	<b>2001</b>	<b>2009</b>	<b>2010</b>
Staff	12	5	5 <sup>5</sup>	5
6-year compliance rate	99%	98.6%	97.2%	97.5%
Fines collected	\$36,051	\$31,700	\$31,575	\$21,600
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	All	All
Reports reviewed for conflicts (mandated by law)	350	38	8,428	All
Filing by City-affiliated entities (e.g., n-f-ps)	0	0	In process	In process
Electronic filing	None	In development	All filers file electronically	All filers file electronically

<sup>1</sup> The part-time (½) position, a senior trainer, was not part of the Board's budgeted headcount of 23.

<sup>2</sup> One member (5%) of the staff was required to be laid off on June 30, 2009, to meet budget reduction targets.

<sup>3</sup> For five months during 2009 the Unit had a staff of only one.

<sup>4</sup> For eight months during 2010 the Unit had a staff of only one.

<sup>5</sup> As of June 30, 2009, when one of the six Financial Disclosure staff was required to be laid off to meet budget reduction targets.

## **EXHIBIT 2**

### **COIB MEMBERS, STAFF, AND FORMER MEMBERS**

#### *Members*

Steven B. Rosenfeld, Chair  
Monica Blum  
Angela Mariana Freyre  
Andrew Irving  
Burton Lehman

#### *Staff*

##### *Executive*

Mark Davies, Executive Director

##### *Legal Advice*

Wayne G. Hawley, Deputy Executive Director & General Counsel  
Sung Mo Kim, Deputy General Counsel  
Karrie Ann Sheridan, Associate Counsel  
Jessie Beller, Assistant Counsel

##### *Enforcement*

Carolyn Lisa Miller, Director of Enforcement  
Dinorah S. Núñez, Deputy Director of Enforcement  
Vanessa Legagneur, Associate Counsel  
Bre Injeski, Assistant Counsel  
Maritza Fernandez, Litigation Coordinator

##### *Training and Education*

Alex Kipp, Director of Training and Education  
Philip Weitzman, Trainer (*beginning August 2010*)

##### *Financial Disclosure*

Julia Davis, Director of Financial Disclosure & Special Counsel  
Joanne Giura-Else, Deputy Director of Financial Disclosure  
Sung Mo Kim, EFD Project Manager\*  
Holli R. Hellman, Associate EFD Project Manager and Supervising Financial  
Disclosure Analyst  
Veronica Martinez Garcia, Administrative Assistant  
Daisy Rodriguez, Assistant Financial Disclosure Analyst and Agency

#### Receptionist

##### *Administrative*

Ute O'Malley, Director of Administration  
Varuni Bhagwant, Deputy Director of Administration

##### *Information Technology*

Derick Yu, Director of Information Technology

*Former Members of the Board*

Merrill E. Clarke, Jr., Chair	1989
Beryl Jones	1989-1995
Robert J. McGuire	1989-1994
Sheldon Oliensis, Chair	1990-1998
Shirley Adelson Siegel	1990-1998
Benjamin Gim	1990-1994
Benito Romano, Acting Chair (1998-2002)	1994-2004
Jane W. Parver	1994-2006
Bruce A. Green	1995-2005
Kevin J. Frawley	2006-2009

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\* Mr. Kim serves part-time in this position in addition to his duties as Deputy General Counsel and a member of the Legal Advice Unit.

**EXHIBIT 3**  
**TRAINING AND EDUCATION CLASSES ON CHAPTER 68**

<u>Year</u>	<u>Department of Ed Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes<sup>1</sup></u>
1995	0	24	24
1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 <sup>2</sup>	43	139	182
2004	119	169	288
2005	80	162	242
2006 <sup>3</sup>	43	151	194
2007	75	341	416
2008	51	484	535
2009 <sup>4</sup>	33	253	286
2010 <sup>5</sup>	9	270	279

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<sup>1</sup> These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

<sup>2</sup> As a result of mandated layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15 to October 15, 2003.

<sup>3</sup> From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December 2005 to mid-July 2006, and the new trainer then needed to be trained before he could begin teaching classes.

<sup>4</sup> For five months during 2009 the Unit had a staff of only one.

<sup>5</sup> For eight months during 2010 the Unit had a staff of only one.

# EXHIBIT 4

## COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold.

*Agencies that held three to nine classes are in italics.*

Agencies that held one or two classes are not separately listed.

2003 <sup>1</sup>	2004	2005	2006 <sup>2</sup>	2007	2008	2009 <sup>4</sup>	2010 <sup>5</sup>
<b>Correction</b> <b>Education</b> <b>DOHMH</b> <b>HRA</b> <b>NYCERS</b> <i>Buildings</i> <i>DCAS</i> <i>DHS</i> <i>DYCD</i> <i>Finance</i> <i>Law</i>	<b>Buildings</b> <b>DCAS</b> <b>Education</b> <b>DHS</b> <b>HRA</b> <i>DCLA</i> <i>DFTA</i> <i>Finance</i> <i>DOHMH</i> <i>DOITT</i> <i>NYCERS</i>	<b>Parks</b> <b>Finance</b> <b>DCA</b> <b>DYCD</b> <b>DOB</b> <b>DOB</b> <b>Education</b> <b>Finance</b> <b>Sanitation</b> <i>HRA</i> <i>TLC</i> <i>DOITT</i> <i>DCAS</i> <i>Community</i> <i>Boards</i> <i>HHC</i> <i>HPD</i> <i>DOC</i> <i>DOHMH</i> <i>Comptroller</i>	<b>Comptroller</b> <b>DCAS</b> <b>DDC</b> <b>DOB</b> <b>Education</b> <b>Finance</b> <b>Sanitation</b> <i>Community</i> <i>Boards</i> <i>DOC</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>HHC</i> <i>Manhattan</i> <i>Borough Pres</i> <i>TLC</i>	<b>Buildings</b> <b>DCAS</b> <b>DDC</b> <b>DOHMH</b> <b>Education</b> <b>FDNY</b> <b>Finance</b> <b>FISA</b> <b>HHC</b> <b>NYCHA</b> <b>TLC</b> <b>CCRB</b> <i>Community</i> <i>Boards</i> <i>DCP</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>HPD</i> <i>HRA</i> <i>NYCERS</i> <i>NYPD</i> <i>Parks</i>	<b>Buildings</b> <b>DCAS</b> <b>DDC</b> <b>Education</b> <b>OATH/ECB</b> <b>Health</b> <b>Sanitation</b> <b>TLC</b> <i>ACS</i> <i>Aging</i> <i>City Council</i> <i>Community</i> <i>Boards</i> <i>Correction</i> <i>DoITT</i> <i>EDC</i> <i>Finance</i> <i>Fire Dept.</i> <i>Law</i> <i>MOCS</i> <i>NYCERS</i> <i>NYCHA</i>	<b>Buildings</b> <b>City Council</b> <b>DCAS</b> <b>DoITT</b> <b>Education</b> <b>FISA</b> <b>NYCHA</b> <b>TLC</b> <i>CCHR</i> <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCA</i> <i>DDC</i> <i>DOHMH</i> <i>DOF</i> <i>DOT</i> <i>DPR</i> <i>DSNY</i> <i>DYCD</i> <i>EDC</i> <i>FDNY</i> <i>HRA</i> <i>NYCERS</i> <i>OATH</i> <i>SBS</i>	<b>Buildings</b> <b>City Council</b> <b>DCAS</b> <b>DOF</b> <b>DOT</b> <b>HRA</b> <b>Not-for-profits</b> <b>Receiving</b> <b>Discretionary</b> <b>Grants</b> <i>Bronx Borough</i> <i>President</i> <i>Community</i> <i>Boards</i> <i>DDC</i> <i>DOHMH</i> <i>DoITT</i> <i>DPR</i> <i>FDNY</i> <i>HHC</i> <i>HPD</i>
Agencies Holding One or Two Classes: 12	Agencies Holding One or Two Classes: 27	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 21	Agencies Holding One or Two Classes: 39	Agencies Holding One or Two Classes: 23	Agencies Holding One or Two Classes: 24	Agencies Holding One or Two Classes: 20
<b>Total Classes:</b> <b>182<sup>3</sup></b>	<b>Total Classes:</b> <b>288<sup>3</sup></b>	<b>Total Classes:</b> <b>242<sup>3</sup></b>	<b>Total Classes:</b> <b>194<sup>3</sup></b>	<b>Total Classes:</b> <b>416<sup>3</sup></b>	<b>Total Classes:</b> <b>535<sup>3</sup></b>	<b>Total Classes:</b> <b>286<sup>3</sup></b>	<b>Total Classes:</b> <b>279<sup>3</sup></b>

<sup>1</sup> As a result of mandated layoffs, the Board had no Training and Education Unit from May 15 to October 15, 2003.

<sup>2</sup> From December 2005 to September 2006, the Training and Education Unit had a staff of one.

<sup>3</sup> These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

<sup>4</sup> For five months during 2009 the Unit had a staff of one.

<sup>5</sup> For eight months during 2010 the Unit had a staff of one.

**EXHIBIT 5**  
**RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS**

**Sheldon Oliensis Ethics in City Government Award**

2010	Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
2009	Ricardo Morales
2007	Department of Buildings
2005	The Center for New York City Law at New York Law School
2004	Saphora Lefrak
2003	Department of Investigation
2002	Department of Environmental Protection
2001	Department of Transportation
1999	Sheldon Oliensis (Ethics in City Government Award)

**Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board**

2009	Mark Davies
2008	Robert Weinstein
2007	Jane Parver
2006	Bruce Green
2005	Benito Romano
2003	Andrea Berger
1999	Shirley Adelson Siegel

**EXHIBIT 6**  
**LEGAL ADVICE SUMMARY: 1993 TO 2010**

	<b>1993</b>	<b>2005 (Increase v. 2004)</b>	<b>2006 (Increase v. 2005)</b>	<b>2007 (Increase v. 2006)</b>	<b>2008 (Increase v. 2007)</b>	<b>2009 (Increase v. 2008)</b>	<b>2010 (Increase v. 2009)</b>
Staff	5 attorneys	3 attorneys	4 attorneys				
Telephone requests for advice	N/A	2,926 (+11%)	2,895 (-1%)	3,326 (+15%)	3797 (+14%)	3277 (-14%)	3246 (-1%)
Written requests for advice	321	515 (-4%)	568 (+10%)	613 (+8%)	624 (+2%)	557 (-11%)	599 (+8%)
Issued opinions, letters, waivers, orders	266	543 (+16%)	415 (-24%)	605 (+46%)	574 (-5%)	484 (-16%)	523 (+8%)
Opinions, etc. per attorney	53	181 (+15%)	172 (-5%)	151 (-12%)	144 (-5%)	121 (-16%)	131 (+8%)
Pending written requests at year end	151	127 (-34%)	225 (+77%)	178 (-21%)	161 (-10%)	138 (-14%)	162 (+17%)
Median time to respond to requests	N/A	28 days	31 days	30 days	26 days	24 days	24 days

**EXHIBIT 7**  
**WRITTEN REQUESTS FOR ADVICE ON CHAPTER 68**

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613
2008	624
2009	557
2010	599

**EXHIBIT 8**  
**WRITTEN RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68**

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605
2008	253	226	95	574
2009	170	231	83	484
2010	208	234	81	523

## EXHIBIT 9 CHAPTER 68 ENFORCEMENT CASES

	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
New Complaints	22	29	31	29	50	64	63	81	148	124	221	346	307	370	328	465	509	443	523
Cases Closed	25	38	4	33	32	54	76	83	117	152	179	243	266	234	530	429	509	472	522
Dispositions Imposing Fines	1	1	2	1	1	2	9	4	10	9	6	3	6	11	19	61	135	98	76
Public Warning Letters	0	0	0	0	1	0	0	0	2	2	0	0	0	1	7	26	11	21	36

**EXHIBIT 10**  
**ENFORCEMENT SUMMARY: 1993 to 2010**

	<b>2002</b> <b>(Increase v.</b> <b>2001)</b>	<b>2003</b> <b>(Increase v.</b> <b>2002)</b>	<b>2004</b> <b>(Increase v.</b> <b>2003)</b>	<b>2005</b> <b>(Increase v.</b> <b>2004)</b>	<b>2006</b> <b>(Increase v.</b> <b>2005)</b>	<b>2007</b> <b>(Increase v.</b> <b>2006)</b>	<b>2008</b> <b>(Increase v.</b> <b>2007)</b>	<b>2009</b> <b>(Increase v.</b> <b>2008)</b>	<b>2010</b> <b>(Increases v.</b> <b>2009)</b>
Staff	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)	4 (3 attorneys <sup>1</sup> )	4 (2 attorneys <sup>2</sup> )	5 (4 attorneys)	5 (4 attorneys <sup>3</sup> )	5 (4 attorneys <sup>4</sup> )	5 (4 attorneys)
New complaints received	221 (+78%)	346 (+57%)	307 (-11%)	370 (+21%)	328 (-11%)	465 (+42%)	509 (+9%)	443 (-13%)	523 (+18%)
Cases closed	179 (+16%)	243 (+36%)	266 (+9%)	234 (-12%)	530 (+126%)	429 (-19%)	509 (+19%)	472 (-7%)	522 (+11%)
Dispositions imposing fines	6	3	6	11 (+83%)	19 (+73%)	61 (+221%)	135 (+121%)	98 (-27%)	76 (-22%)
Public warning letters	0	0	0	1	7	26 (+271%)	11 (-58%)	21 (+90%)	36 (+71%)
Fines imposed	\$15,300	\$6,500	\$8,450	\$37,050	\$30,460	\$87,100	\$155,350	\$161,050	\$145,850
Referrals to DOI	84 (+71%)	136 (+62%)	156 (+15%)	110 (-29%)	154 (+40%)	137 (-11%)	108 (-21%)	77 (-29%)	70 (-9%)
Reports from DOI	74 (+72%)	62 (-16%)	93 (+50%)	117 (+26%)	120 (+3%)	143 (+19%)	179 (+25%)	132 (-26%)	132 (0%)

<sup>1</sup> The Enforcement Unit lacked one attorney for almost 11 months in 2005.

<sup>2</sup> The Enforcement Unit had only two attorneys for several months in 2006.

<sup>3</sup> The Enforcement Unit had one attorney on leave for several months in 2008.

<sup>4</sup> The Enforcement Unit had one attorney on leave for several months in 2009.

**EXHIBIT 11**  
**ENFORCEMENT FINES IMPOSED: 1993 to 2010**

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
<b>2010</b>								
<b>DECEMBER</b>								
12/27/10	2010-610	Rizzo	14,000					
12/22/10	2010-126	Acevedo			Resign	X		
12/22/10	2010-242	Karim				X	15	3,082
12/21/10	2010-014	Crispiano	1,500					
12/20/10	2010-234a	Angelidakis	2,250			X		
12/20/10	2010-234b	Halpern	1,500			X		
12/20/10	2010-234c	Nussbaum	1,500			X		
12/20/10	2010-768	Vazquez			Resign & never return to DOHMH employment	X		
<b>NOVEMBER</b>								
11/18/10	2010-296	Woods				X	20	2,490
11/18/10	2010-661	Orah				X	60	8,464.44
11/08/10	2009-307	McNeil	2,000					
11/08/10	2008-397	Mitchell	6,000					
11/08/10	2010-035	Fischetti	20,000					
11/01/10	2010-338	Mendez			Resign & never return to City employment	X		
11/01/10	2010-558	Bradley				X	3	571
11/01/10	2010-446	Bollera			Terminated			
<b>OCTOBER</b>								
10/20/10	2008-602	Jones	2,000					
10/19/10	2009-465	Yung				X	6	2,060
10/14/10	2009-514	Agbaje	1,500					
10/04/10	2010-491	Kayola	2,250					
10/04/10	2010-051	Currie	2,000					
<b>SEPTEMBER</b>								
09/30/10	2010-345	Griffen-Cruz				X	10	1,161
09/23/10	2010-433	Coward			Retire & never return to DSNY employment or City for 5 years	X		
09/01/10	2008-756	John			Resign &	X	22 suspension	11,313.68

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
					never return to City employment		& 136 hours of annual leave forfeited	
<b>AUGUST</b>								
08/26/10	2010-067	Chabot <sup>1</sup>	900					
08/26/10	2009-466	Holder	2,400			X		
08/26/10	2010-245	Speranza				X	8	1,495
08/23/10	2010-299	King	1,000					
08/23/10	2010-424	Simpkins		2,500		X		
08/23/10	2010-423	Oates			Resign	X	19	2,371
08/09/10	2009-686	Romano	1,750			X		
<b>JULY</b>								
07/19/10	2010-315	Clare			2,938.88 Criminal restitution, resign & never return to DEP employment or City for 5 years	X		
07/13/10	2010-097	Simmons				X	7	1,083
07/12/10	2009-815	Beers				X	30	4,884
07/12/10	2010-005	Duncan	1,750					
07/06/10	2008-547	Reid	2,000					
<b>JUNE</b>								
06/29/10	2009-598b	Williams					75	7,515
06/29/10	2008-759	Macaluso	2,500					
06/29/10	2009-398	Rubin	2,500					
06/29/10	2009-265	Ingram					10	1,357
06/03/10	2007-773a	Gill	950					
06/02/10	2006-772	Kolowski	1,500			X		
06/02/10	2006-772a	Fisher	1,500			X		
06/02/10	2010-103	McKinney	800		801.95 restitution	X		
<b>MAY</b>								
05/19/10	2009-687	Siyanbola			Resign	X		
05/19/10	2009-814	Jamal	250			X	3	903
05/11/10	2009-486	Aponte				X	5	612
05/11/10	2009-099	Tieku <sup>2</sup>	7,500					
05/11/10	2009-403	Roberts	7,500					
05/04/10	2010-212	Eliopoulos				X	6	1,567.02
05/03/10	2010-077a	Cid	1,250					
05/03/10	2010-077	Piazza	3,000					
05/03/10	2008-648a	Dunn	1,000					
05/03/10	2008-346b	Stewart	1,250					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
05/03/10	2010-035a	Eng	1,500					
<b>APRIL</b>								
04/15/10	2009-646	Wright	1,000			X	5 suspension & 5 annual leave forfeited	2,095.10
04/15/10	2009-852	Williams				X	20	2,714
04/15/10	2009-261	Hines	400			X	10	2,124.60
04/15/10	2007-695	Colbert <sup>3</sup>	1,500					
04/13/10	2009-542	Velez Rivera	1,250			X		
04/13/10	2009-445	Maliaros	900					
04/08/10	2009-204	Paulk					6	1,144
<b>MARCH</b>								
03/05/10	2008-562	Roberts	1,000					
03/02/10	2009-600	Robinson	1,250					
03/02/10	2008-648	Ricciardi	13,500					
03/02/10	2008-246	Reid	2,500					
03/01/10	2009-723	Baker	1,750					
<b>FEBRUARY</b>								
02/02/10	2007-635	Holchender	6,000					
02/02/10	2009-053a	Cohen-Brown		3,500		X		
02/01/10	2007-155	Dzieskanowski <sup>4</sup>	5,000					
02/01/10	2009-600	Keaney	2,500					
<b>JANUARY</b>								
01/28/10	2009-312	Avinger <sup>5</sup>	500					
01/11/10	2009-062	Rosa	2,500			X		
01/06/10	2009-226a	Wierson	5,000					
<b>2009</b>								
<b>DECEMBER</b>								
12/22/09	2009-351	Wright <sup>6</sup>	1,000					
12/22/09	2008-948	Gray <sup>7</sup>	750					
12/22/09	2008-805	Mateo <sup>8</sup>	2,000					
12/16/09	2009-391	Paige			1,500 Loan repayment	X	5	1,136
12/15/09	2009-923a	Jack				X	9	2,412
12/15/09	2008-923	Coward				X	9	2,412
12/14/09	2009-048	Racicot		3,000		X		
12/14/09	2009-085	Hicks		750		X		
12/08/09	2008-861	Smart*	10,000					
12/02/09	2008-792	Bryant	1,250					
12/02/09	2009-381	Watts				X	5	870
12/02/09	2009-082	Winfrey <sup>9</sup>				X	10	1,586
12/01/09	2008-911	Pettinato	6,000	1,500		X		
<b>NOVEMBER</b>								
11/24/09	2008-271	Cuffy	1,500					
11/23/09	2006-045	Williams <sup>10</sup>	1,500					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
11/23/09	2008-390	Brewster	3,000					
<b>OCTOBER</b>								
10/26/09	2007-588	Fox	1,000					
10/21/09	2004-220	Perez	12,500					
10/21/09	2009-416	Mason-Bell	1,250					
10/20/09	2009-140	Brown	1,500	1,300		X		
10/20/09	2009-024	Beza <sup>11</sup>	7,500					
10/19/09	2009-479	Anthony		1,400		X		
10/15/09	2008-531	Maslin	1,000					
10/15/09	2009-576	King				X	60	6,100.33
<b>SEPTEMBER</b>								
09/29/09	2007-626	Eisenberg	1,000					
09/29/09	2009-482	Pittman				X	5 suspension & 5 annual leave forfeited	1,523
09/29/09	2009-224	McNeil				X	10	1,420.08
09/29/09	2008-274	Proctor	1,000					
09/09/09	2009-481	Patrick				X	2 suspension & 3 annual leave forfeited	549.85
09/29/09	2009-144	DeSanctis				X	15	4,695
09/29/09	2008-303	Kundu	1,000					
09/29/09	2008-802	Baksh				X	15	1,644
09/29/09	2009-480	Ayinde				X	7	1,412.46
09/29/09	2007-847	Sirefman	1,500					
09/08/09	2009-122	Campbell				X	15 suspension & 10 annual leave forfeited	\$4,993
<b>AUGUST</b>								
08/27/09	2008-872	Cora <sup>12</sup>	500					
08/27/09	2009-029	Finkenberg <sup>13</sup>	900					
08/27/09	2008-729	Calvin				X	16	2,491.55
08/27/09	2008-582	Knowles	1,250					
08/27/09	2009-498	Purvis				X	10	1,433
08/10/09	2007-218 2008-530	Dorsinville	3,500					
<b>JULY</b>								
07/28/09	2008-881	Green	15,000					
07/28/09	2008-825	Byrne	1,000					
07/28/09	2008-910	Samuels <sup>14</sup>	1,000					
07/23/09	2009-399	Spann				X	10	1,325
07/20/09	2008-348	Hall	2,000	1,500		X		
07/13/09	2007-565	Keeney	1,450					
07/13/09	2009-241	Vazquez				X	44	10,164
07/09/09	2009-227	Miller				X	6	1,597
07/09/09	2008-131	Edwards	2,500		Demoted &	X		

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
					reassigned			
07/08/09	2009-177	Sheiner				X	5	1,274
07/07/09	2009-279	Belenky	2,000					
07/06/09	2008-260	Keene				X	30	2,300
07/06/09	2009-262	Fenves				X	12 annual leave forfeited	6,290
<b>JUNE</b>								
06/09/09	2008-962a	Lucks	1,500					
06/08/09	2008-355	Constantino	1,000					
06/01/09	2008-929	Hahn	600					
06/01/09	2009-192	Gabrielsen				X	7	1,492
<b>MAY</b>								
05/06/09	2008-237a	Core, Sr.				X	30	7,904
05/05/09	2008-922	Guerrero				X	15	3,822
05/04/09	2008-960	O'Brien	20,000					
05/04/09	2008-527	Richardson	1,500					
05/04/09	2008-687	Purdie	400			X	11	1,671
05/04/09	2008-236	Tharasavat	6,000					
05/04/09	2008-744	Medal			41,035 Criminal restitution			
05/04/09	2008-635	Davey	2,750					
05/04/09	2005-612	Abiodun				X	13	1,466
<b>APRIL</b>								
04/16/09	2008-823	Winfield	2,000					
04/13/09	2007-565a	Horowitz	750					
04/08/09	2009-063	Pottinger				X	5	817
04/08/09	2008-688	Chen	500					
04/07/09	2008-478	Ribowsky	3,250					
04/06/09	2008-192	Forsythe	4,000					
04/06/09	2008-301	Smith	1,200					
04/06/09	2008-387	Candelario				X	21	3,074
04/06/09	2008-555	Borowiec	1,150					
04/06/09	2009-045	Bastawros				X	25	5,000
<b>MARCH</b>								
03/10/09	2007-745	Piscitelli	12,000					
03/05/09	2007-297	Benson	2,000					
03/04/09	2006-462	James <sup>15</sup>	2,000					
03/03/09	2008-941	McFadzean				X	11	1,472
03/03/09	2008-943	Hayes				X	3	699
03/02/09	2008-006	Henry <sup>16</sup>	6,626.04					
03/02/09	2008-760	Qureshi	1,000					
03/02/09	2008-504	Kwok	500					
<b>FEBRUARY</b>								
02/26/09	2008-326	Burgos				X	60	8,232

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
02/19/09	2008-681	King				X	3	562
02/18/09	2008-581	Alejandro	2,000					
02/10/09	2008-434	Tangredi				X	5	839
02/09/09	2008-368a	Geraghty				X	30	4,826
02/09/09	2008-481	Murrell <sup>17</sup>	1,000					
02/04/09	2008-719	Teriba				X	5 suspension & 10 annual leave forfeited	3,104.55
02/04/09	2008-921	Conton				X	3 suspension & 3 annual leave forfeited	676.62
02/04/09	2004-750	Buccigrossi	2,000					
02/03/09	2006-640	Leigh	500					
<b>JANUARY</b>								
01/29/09	2008-716	Brenner		11,000				
01/29/09	2007-330	Dodson	2,500					
01/12/09	2008-374	Santana	1,000					
<b>2008</b>								
<b>DECEMBER</b>								
12/30/08	2008-267a	Hubert				X	20	2,882
12/22/08	2005-748	Bryan*	7,500					
12/22/08	2008-604	Wiltshire				X	30 & restitution to ACS	3,495 290.80
12/18/08	2008-478b	Shaler	2,500					
12/17/08	2008-423b	Bradley	600					
12/17/08	2005-588	LaBush	750					
12/15/08	2007-813	Miraglia	2,000					
12/15/08	2007-686	Alfred	1,000			X		
12/10/08	2007-479	Valvo	800					
<b>NOVEMBER</b>								
11/24/08	2008-376	Rosado	3,000			X		
11/24/08	2007-431	Ballard	3,000					
11/24/08	2008-706	Bryk	1,800			X		
11/17/08	2008-077	Pittari	1,000					
11/05/08	2005-132	Okanome*	7,000					
11/05/08	2007-627	Ramsami	750					
<b>OCTOBER</b>								
10/30/08	2008-331	Elliott		1,000		X		
10/30/08	2007-442	Bourbeau	3,000		Resign	X		
10/29/08	2008-296	Salgado				X	44	11,020
10/29/08	2008-122	Geddes	250			X	3	561
10/28/08	2008-217	Ng-A-Qui				X	6	1,563
10/27/08	2007-261	Soto <sup>18</sup>	1,500					
10/27/08	2007-680	DeFabbia	1,500					

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							# OF DAYS	DOLLAR EQUIVALENT
10/22/08	2008-543	Adkins				X	8	1,003.76
10/21/08	2008-256	Proctor				X	10 suspension & 7 annual leave forfeited	1,499.50 770
10/20/08	2008-609	Grandt	500					
10/20/08	2008-624	Tsarsis	750					
<b>SEPTEMBER</b>								
09/29/08	2005-243	Byrne <sup>19</sup>	5,000					
09/24/08	2008-472	Nash-Daniel				X	8	1,496
09/24/08	2008-536	Miller				X	5	550
09/24/08	2008-585	Wordsworth				X	5	623
09/23/08	2008-423	Greco	2,000					
09/22/08	2007-777	Gray	2,500					
09/22/08	2008-421	Mir	11,500					
09/17/08	2007-672	Siegel	1,500					
09/16/08	2008-396	Solo	1,250					
09/16/08	2008-396a	Militano	1,250					
09/11/08	2007-436h	Carmenaty	1,500					
<b>AUGUST</b>								
08/25/08	2007-827	Heaney	1,500			X		
08/14/08	2008-436ss	Stephenson	1,500					
<b>JULY</b>								
07/28/08	2008-207	Berger	1,750					
07/28/08	2008-217	Passaretti				X	30	7,306
07/23/08	2008-295	Lowry				X	30	7,307.10
07/15/08	2007-436	Arzuza				X	5	1,172.09
07/15/08	2007-436a	Baerga				X	5	1,206.09
07/15/08	2007-436b	Baldi				X	20	4,940.40
07/15/08	2007-436c	Barone				X	5	862.50
07/15/08	2007-436d	Bellucci				X	5	1,172.09
07/15/08	2007-436e	Bostic				X	5	1,172.09
07/15/08	2007-436f	Bracone				X	5	1,223.81
07/15/08	2007-436g	Branaccio				X	15	2,587.50
07/15/08	2007-436i	Castro				X	15	3,705.30
07/15/08	2007-436j	Cato				X	5	1,189.33
07/15/08	2007-436k	Colorundo				X	5	1,206.57
07/15/08	2007-436l	Congimi				X	5	1,235.10
07/15/08	2007-436m	Cutrone				X	5	1,252.30
07/15/08	2007-436n	Damers				X	5	1,235.10
07/15/08	2007-436o	Desanctis				X	5	1,189.33
07/15/08	2007-436p	Dixon				X	5	1,252.30
07/15/08	2007-436q	Drogsler				X	5	829.31
07/15/08	2007-436r	Gallo				X	15	3,808.65
07/15/08	2007-436s	Garcia				X	5	1,217.85
07/15/08	2007-436t	Georgios				X	5	821.40
07/15/08	2007-436u	Grey				X	30	7,410.60

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
07/15/08	2007-436v	Harley				X	5	1,172.09
07/15/08	2007-436w	Hayden				X	5	1,189.33
07/15/08	2007-436x	Jaouen				X	5	1,252.30
07/15/08	2007-436y	Kane				X	5	1,217.85
07/15/08	2007-436z	Keane				X	5	1,206.57
07/15/08	2007-436aa	Kopczynski				X	4	1,223.81
07/15/08	2007-436bb	Lagalante				X	5	1,206.57
07/15/08	2007-436cc	Lampasona				X	5	959.70
07/15/08	2007-436dd	La Rocca				X	15	3,705.30
07/15/08	2007-436ee	La Salle	1,500					
07/15/08	2007-436ff	MacDonald				X	15	3,705.30
07/15/08	2007-436gg	Mann, A.				X	15	3,757.05
07/15/08	2007-436hh	Mann, C.				X	5	1,189.33
07/15/08	2007-436ii	Mastrocco				X	15	3,808.68
07/15/08	2007-436jj	McDermott				X	5	829.31
07/15/08	2007-436kk	McMahon				X	5	1,172.09
07/15/08	2007-436ll	Morales, A.				X	5	1,252.30
07/15/08	2007-436mm	Morales, J.				X	15	3,705.30
07/15/08	2007-436nn	Moscarelli				X	5	1,217.85
07/15/08	2007-436oo	Prendergrast				X	15	2,587.50
07/15/08	2007-436pp	Puhi				X	5	1,206.57
07/15/08	2007-436qq	Ruocco				X	5	1,269.55
07/15/08	2007-436rr	Smith, M.				X	5	1,217.85
07/15/08	2007-436tt	Sterbenz				X	5	2,217.85
07/15/08	2007-436uu	Taylor				X	4	1,189.33
07/15/08	2007-436vv	Torres				X	5	1,206.57
07/15/08	2007-436ww	Valerio				X	5	1,172.09
07/15/08	2007-436xx	Wallace				X	5	1,217.85
07/15/08	2007-436yy	Williams				X	15	3,705.30
07/15/08	2007-436zz	Zaborsky	1,500					
07/15/08	2007-	Guifre				X	5	821.40

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							# OF DAYS	DOLLAR EQUIVALENT
	436ab							
07/15/08	2007-436ac	Sullivan				X	5	821.40
07/15/08	2007-436ae	Pretakiewicz				X	5	1,252.30
07/08/08	2008-132	Hwang	1,250					
07/08/08	2007-015c	Klein	1,500					
07/08/08	2007-015	Montemarano	2,500					
07/07/08	2008-025	Harmon	7,500					
07/07/08	2007-237	Philemy	2,250			X		
07/07/08	2007-774	Harrington	1,000					
07/07/08	2004-746	Lemkin	500					
07/07/08	2004-746a	Renna	500					
07/07/08	2004746b	Schneider	500					
<b>JUNE</b>								
06/17/08	2002-325	Anderson <sup>20</sup>	7,100					
<b>MAY</b>								
05/22/08	2006-559a	Cross	500			X		
05/22/08	2006-559	Richards	500			X		
05/22/08	2007-433	Jafferalli				X	30	4,151
05/22/08	2007-433a	Edwards				X	21	3,872
05/22/08	2007-570	Mouzon		1,279.48		X	10	1,046
05/20/08	2007-636	Blundo	1,000			X		
05/09/08	2006-617	Johnson	300			X		
05/08/08	2008-037	Zigelman	1,500	1,500		X		
05/01/08	2006-775	Childs	500			X	5	1,795
<b>APRIL</b>								
04/30/08	2003-373k	Rider	1,000					
04/29/08	2007-873	Shaler	2,000					
04/29/08	2005-236	Mizrahi	2,000					
04/29/08	2007-744	Deschamps	1,500			X	5	892
<b>MARCH</b>								
03/20/08	2003-373a	Lee	3,000					
03/20/08	2003-373k	Gwiazdzinski	3,000					
03/06/08	2004-530	Murano	1,250					
03/05/08	2007-058	Saigbovo	750					
03/05/08	2007-157	Aldorasi	3,000	1,500		X		
03/04/08	2003-550	Amar	4,500					
03/03/08	2007-723	Namnum	1,250			X		
03/03/08	2005-665	Osindero	500			X	15	2,205.97
03/03/08	2007-825	Namyotova	1,000			X	15	1,952
<b>FEBRUARY</b>								
02/07/08	2001-566d	Moran	1,500			X		
02/07/08	2001-566c	Guarino	1,500			X		
02/07/08	2001-566b	Sender	5,000			X		
02/07/08	2001-566a	Diaz	1,500			X		
02/07/08	2001-566	Ferro	2,500			X		
<b>JANUARY</b>								

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							# OF DAYS	DOLLAR EQUIVALENT
01/28/08	2004-610	Riccardi	1,500					
01/23/08	2006-350	Schlein	15,000					
<b>2007</b>								
<b>DECEMBER</b>								
12/17/07	2006-632	Blenman	2,000					
12/17/07	2006-233	Osagie	5,000			X		
12/04/07	2004-188	Pratt <sup>21</sup>	500		3,961 Restitution			
<b>NOVEMBER</b>								
11/29/07	2007-519	Tamayo	100		900 Loan repayment	X	Resign as Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	52,649
11/29/07	2006-562b	McLeod				X	5	1,105.62
11/27/07	2006-618	Hall	1,500					
11/27/07	2004-517	Williams	4,000					
11/05/07	2005-365	Norwood*	4,000					
<b>OCTOBER</b>								
10/29/07	2006-423	S. Fraser	2,000					
10/29/07	2003-785a	Speiller	1,000					
10/29/07	2007-138	Basile	2,000					
10/26/07	2007-039	Tulce				X	30	4,550
10/09/07	2003-200	Lastique	2,000			X	21 plus reassignment & probation	1,971.69
10/02/07	2007-441	Larson	1,000					
10/02/07	2006-423a	Russell	1,000					
<b>SEPTEMBER</b>								
09/26/07	2006-411	Allen*	5,000					
09/18/07	2004-246	Margolin	3,250					
09/12/07	2006-551	Davis	700					
09/04/07	2007-016	Graham					5	896
<b>AUGUST</b>								
08/30/07	2007-362	Lucido	500					
<b>JULY</b>								
07/31/07	2003-785	Gennaro	2,000					
07/23/07	2003-152a	Bergman	1,000					
07/18/07	1999-026	Pentangelo	1,500					
07/16/07	2006-706	Carlson	500	4,820.92		X		
07/12/07	2006-461	Greenidge	500					
07/11/07	2006-098	Barreto	2,500			X		
07/11/07	2005-244	Clair	6,500					

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							# OF DAYS	DOLLAR EQUIVALENT
07/10/07	2007-056	Glover				X	30	7,742
<b>JUNE</b>								
06/29/07	2005-200	Cetera	2,000			X		
06/05/07	2005-442	Sanders	1,000					
06/04/07	2005-240	Mazer	2,000					
<b>MAY</b>								
05/31/07	2006-383	Ianniello	1,000			X		
05/31/07	2006-684	Cooper	2,500	2,500		X		
05/31/07	2006-684a	Reilly	750	750		X		
05/31/07	2006-460	Amofo-Danquah	3,000			X	5	1,273.25
05/30/07	2007-053	Cammarata	1,500					
05/30/07	2002-678	Murphy	750					
05/30/07	2004-556	Cagadoc	500					
05/02/07	2005-690	Cantwell	1,500					
<b>APRIL</b>								
04/30/07	2006-068	Henry	1,000					
04/30/07	2005-739a	Oquendo	500					
04/25/07	2004-570	Matos	1,000			X		
04/17/07	2006-562a	Wade	500					
<b>MARCH</b>								
03/28/07	2006-554	Bassy	500					
03/27/07	2006-349	Vale	2,250					
03/27/07	2005-240	Sahm	1,250					
<b>FEBRUARY</b>								
02/28/07	2005-505	Martino-Fisher	1,000					
02/28/07	2003-752	Kessock	500					
02/28/07	2006-519	Lepkowski	500					
02/28/07	2002-503	Maith	500					
02/05/07	2002-458	Aquino	500					
02/05/07	2006-064	Tarazona	2,000					
02/05/07	2001-494	Russo	2,000			X		
<b>JANUARY</b>								
01/29/07	2005-031	Marchuk	750					
01/29/07	2006-635	Bayer	1,000		Retire from DDC	X	18	1,000
01/24/07	2005-178	Davis	1,000			X		
01/24/07	2005-098	Rosenfeld	500					
01/05/07	2004-697	Della Monica	1,500					
01/03/07	2004-712	McHugh	2,000					
<b>2006</b>								
<b>DECEMBER</b>								
12/19/06	2005-685	Diaz	500					
12/15/06	2002-140	Fenster	500					
12/11/06	2006-562b	Jefferson				X	25	3,085
12/11/06	2006-562	Nelson				X	25	4,262

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							# OF DAYS	DOLLAR EQUIVALENT
<b>NOVEMBER</b>								
11/10/06	2003-655	Sorkin	500					
11/10/06	2005-271a	Parlante	460			X		
11/10/06	2005-271	Marchesi	750			X		
<b>AUGUST</b>								
08/24/06	2004-324a	Neira	4,500					
08/24/06	2006-048	Tyner				X	45	6,224
<b>JULY</b>								
07/28/06	2004-700a	L. Golubchick	4,000					
07/28/06	2004-700	J. Golubchick	1,000					
<b>JUNE</b>								
06/30/06	2003-097	Kerik	10,000		5,000 FD & 206,000 Criminal			
06/20/06	2004-159	Goyol	2,500					
06/06/06	2005-155	Okowitz	1,250			X		
<b>MAY</b>								
05/10/06	2003-423a	Coppola	500					
<b>MARCH</b>								
03/28/06	2005-590	Whitlow		1,818		X		
<b>FEBRUARY</b>								
02/23/06	2005-238	Valsamedis				X	50 w/o pay plus 10 days annual leave	11,267.50
02/15/06	2005-146	Vance	1,500				Annual leave	1,122
02/03/06	2002-716	Green	2,500	1,500		X		
<b>2005</b>								
<b>NOVEMBER</b>								
11/16/05	2004-214	Guttman	2,800					
11/16/05	2004-418	Trica	4,000					
<b>JULY</b>								
07/23/05	2002-677y	Serra <sup>22</sup>	10,000					
<b>JUNE</b>								
06/22/05	2005-151	Carroll	3,000			X	Suspension w/out pay	3,000
06/07/05	2004-082a	Romano	4,000					
<b>MAY</b>								
05/25/05	2004-082	Hoffman	4,000					
<b>MARCH</b>								
03/29/05	2003-788	Asemota	500			X	Annual leave	1,000
03/29/05	2004-466	Powery	1,000					
<b>FEBRUARY</b>								
02/28/05	2004-515	Genao	1,000					
02/28/05	2004-321a	Vasquez	1,750			X	Annual leave	1,600
<b>JANUARY</b>								
01/31/05	2003-127	Thomas	2,000				Annual leave	3,915

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							# OF DAYS	DOLLAR EQUIVALENT
01/31/05	2002-782	Bonamarte	3,000					
<b>2004</b>								
<b>DECEMBER</b>								
12/21/04	2004-180	Berkowitz	3,500					
<b>OCTOBER</b>								
10/30/04	2002-770	W. Fraser	500					
10/21/04	2004-305	McKen	450	450		X		
<b>JUNE</b>								
06/22/04	2003-359	Campbell	2,000					
<b>MAY</b>								
05/20/04	2002-528	Fleishman	1,000	5,000	1,300 Restitution			
<b>MARCH</b>								
03/05/04	2001-618	Andersson	1,000					
<b>2003</b>								
<b>APRIL</b>								
04/03/03	2002-304	Arriaga	1,000	2,500		X	30	
<b>MARCH</b>								
03/25/03	2002-088	Adams	1,500					
<b>JANUARY</b>								
01/07/03	2002-463	Mumford		2,500	5,000 for violation of Reg. C-110			
<b>2002</b>								
<b>JULY</b>								
07/18/02	2002-188	Blake-Reid	4,000				Annual leave	4,000
<b>JUNE</b>								
06/27/02	2001-593	Cottes	500			X		
06/21/02	2000-456	Silverman	500					
<b>MARCH</b>								
03/27/02	2000-192	Smith <sup>23</sup>			2,433 Restitution			
<b>FEBRUARY</b>								
02/27/02	2001-569	Kerik	2,500					
02/22/02	2000-407	Loughran	800					
<b>2001</b>								
<b>DECEMBER</b>								
12/13/01	1998-508	King	1,000			X		
<b>NOVEMBER</b>								
11/13/01	2000-581	Hill-Grier	700			X		
<b>SEPTEMBER</b>								
09/25/01	2000-533	Denizac		4,000		X		
<b>AUGUST</b>								
08/15/01	1999-501	Moran					Annual leave (plus 30 days)	2,500

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
							w/out pay and demoted)	
<b>JULY</b>								
07/16/01	1999-157	Capetanakis	4,000					
<b>JUNE</b>								
06/25/01	2000-005	Rieue	2,000					
06/07/01	2000-231	Steinhandler	1,500			X		
<b>MAY</b>								
05/23/01	1999-121	Camarata	1,000					
<b>MARCH</b>								
03/08/01	1991-173	Peterson	1,500					
<b>FEBRUARY</b>								
02/26/01	1999-199	Finkel	2,250					
<b>2000</b>								
<b>OCTOBER</b>								
10/24/00	1999-200	Hoover	8,500					
10/16/00	1999-200	Turner	6,500					
<b>AUGUST</b>								
08/14/00	1999-511	Paniccia	1,500					
08/07/00	1999-500	Chapin	500					
<b>JULY</b>								
07/24/00	2000-254	Lizzio	250					
<b>MAY</b>								
05/24/00	1999-358	Rosenberg	1,000					
<b>APRIL</b>								
04/26/00	1998-169	Marrone	5,000					
<b>MARCH</b>								
03/26/00	1998-288	Sullivan	625			X		
03/10/00	1999-250	Carlin	800			X		
<b>JANUARY</b>								
01/06/00	1997-237d	Rene		2,500		X		
<b>1999</b>								
<b>NOVEMBER</b>								
11/23/99	1994-082	Davila	500					
11/22/99	1999-334	McGann	3,000			X		
<b>JUNE</b>								
06/29/99	1998-190	Sass	20,000					
<b>FEBRUARY</b>								
02/03/99	1997-247	Ludewig	7,500			X		
<b>1998</b>								
<b>OCTOBER</b>								
10/09/98	1997-247	Morello	6,000		Resign		Forfeited annual leave	93,105
<b>SEPTEMBER</b>								
09/17/98	1994-351	Katsorhis	84,000					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENSION	
							# OF DAYS	DOLLAR EQUIVALENT
<b>JULY</b>								
07/14/98	1997-394	Weinstein	1,250			X	Annual leave	3,750
<b>JUNE</b>								
06/22/98	1996-404	Fodera	3,000		100 for late FD filing			
06/22/98	1995-045	Wills	1,500					
06/15/98	1998-102	Hahn	1,000			X		
<b>MAY</b>								
05/22/98	1997-368	Harvey <sup>24</sup>	200					
05/08/98	1997-247	Cioffi	100					
<b>1997</b>								
<b>DECEMBER</b>								
12/22/97	1997-076	N. Ross	1,000					
12/10/97	1997-225	M. Ross	1,000			X		
<b>JUNE</b>								
06/17/97	1997-060	Quennell	100					
<b>1996</b>								
<b>APRIL</b>								
04/03/96	1993-121	Holtzman	7,500					
<b>MARCH</b>								
03/08/96	1994-368	Matos <sup>25</sup>	1,000/250					
<b>1995</b>								
<b>AUGUST</b>								
08/04/95	1993-282a	Baer	5,000					
<b>1994</b>								
<b>FEBRUARY</b>								
02/11/94	1993-282	Bryson	500					
<b>JANUARY</b>								
01/24/94	1991-214	McAuliffe	2,500					
<b>1993</b>								
<b>APRIL</b>								
04/27/93	1991-223	Ubinas	500					
<b>TOTALS</b>			<b>824,861.04</b>	<b>61,721.80</b>	<b>263,169.95</b>			<b>515,114.96</b>

**TOTAL: \$1,667,067.75**

<sup>1</sup> In setting the amount of this fine, the Board took into consideration proof of financial hardship, including exhaustion of savings and accumulation of significant debt, and the fact that for this conduct Chabot was suspended by his agency for thirty days, valued at approximately \$3,890.

<sup>2</sup> This fine was forgiven by the Board on proof of financial hardship, including unemployment, receipt of public assistance, and significant outstanding balances on utility and credit card bills.

<sup>3</sup> This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant unpaid rent balances.

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<sup>4</sup> In setting the amount of this fine, the Board took into consideration that for this conduct Dziekanowski was suspended by his agency for thirty days, valued at approximately \$6,747.

<sup>5</sup> This fine was reduced to \$500 from \$3,000 on proof of financial hardship, including unemployment and depletion of savings as a result of court-ordered and voluntary child care expenses.

<sup>6</sup> This fine was reduced to \$1,000 from \$3,000 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

<sup>7</sup> In reducing this fine from \$1,500 to \$750, the Board took into consideration that for this conduct Gray was suspended by her agency for three days, valued at approximately \$500, and her showing of financial hardship, including her current unemployment and receipt of public assistance.

<sup>8</sup> This fine was forgiven by the Board on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.

<sup>9</sup> In accepting the penalty imposed by the agency of \$1,586, instead of a Board fine of \$3,000, the Board took into consideration Winfrey's showing of financial hardship, including exhaustion of savings and accumulation of significant debt.

<sup>10</sup> This fine is due to be paid by Respondent on or before December 23, 2009.

<sup>11</sup> This fine was forgiven by the Board on proof of financial hardship, including unemployment, application for and receipt of multiple forms of public assistance, and outstanding rent and utility bills.

<sup>12</sup> After Cora paid \$500, the Board forgave the remainder of the \$2,500 fine on proof of financial hardship, including unemployment, receipt of public assistance, and an outstanding balance on her rent.

<sup>13</sup> After Finkenberg paid \$900, the Board forgave the remainder of the \$1,500 fine on proof of financial hardship, including unemployment and significant outstanding balances on her mortgage and utility bills.

<sup>14</sup> In setting the amount of this fine, the Board took into consideration that for this conduct Samuels was suspended by his agency for three days, valued at approximately \$586.

<sup>15</sup> This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.

<sup>16</sup> This fine was forgiven by the Board on proof of extreme financial hardship, including unemployment, exhaustion of savings, and accumulation of significant debt.

<sup>17</sup> This fine was reduced on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

<sup>18</sup> This fine was reduced to \$1,500 from \$3,500 on proof of financial hardship, including exhaustion of savings and accumulation of significant debt.

<sup>19</sup> In setting the amount of this fine, the Board took into consideration that Byrne forfeited terminal leave valued at approximately \$37,000 as a result of departmental charges pending against him at the time of his retirement, which charges arose, in part, out of the same facts as in the Board's disposition.

<sup>20</sup> This fine was reduced to \$7,100 from \$20,000 on proof of financial hardship, including an injury, extended unemployment, exhaustion of savings, and accumulation of significant debt.

<sup>21</sup> The total fine was \$4,750, of which \$500 was paid to the Board upon signing of the Disposition. The remaining \$4,250 of this fine was forgiven when, by March 1, 2009, Pratt fully repaid his former subordinate the outstanding portion of the loan (in the amount of \$3,961).

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<sup>22</sup> This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law.

<sup>23</sup> The total fine was \$3,000, but was to be forgiven if, by March 1, 2004, Smith had fully paid the foster mother the outstanding portion of the loan (in the amount of \$2,433).

<sup>24</sup> This fine was reduced to \$200 on proof of financial hardship, including unemployment and receipt of public assistance.

<sup>25</sup> This fine was reduced to \$250 on proof of financial hardship one year following the settlement of the matter, pursuant to the terms of the settlement.

\* As the respondent did not appear at the trial of this matter, the fine imposed by the Board has not yet been collected.

## EXHIBIT 12 FINANCIAL DISCLOSURE REPORTS

Reporting Year <sup>1</sup> ( <u>"R.Y."</u> )	Number of Reports Required for R.Y.	Reports Filed for R.Y.	Compliance Rate for R.Y. <sup>2</sup>	Number of Fines Waived for R.Y.	Number of Fines Paid for R.Y.	Amount of Fines Paid for R.Y.	Current Non-Filers for R.Y. Act.Inact. <sup>3</sup>		Current Non-Payers for R.Y. Act.Inact.	
2004	7,550	7,233	97.1%	945	46	\$17,925	0	219	0	43
2005 <sup>4</sup>	7,625	7,298	96.4%	226	12	\$3,050	0	215	0	17
2006	7,693	7,453	97.6%	298 <sup>5</sup>	56	\$15,300	2	169	0	66
2007*	7,770	7,530	97.5%	92	75	\$21,250	0	164	0	89
2008*	7,873	7,673	97.9%	101	40	\$12,125	1	65	0	44
2009	7,923	7,740	98.5%	49	58	\$17,800	1	62	1	51
<b>TOTALS</b>	<b>46,434</b>	<b>44,927</b>	<b>97.5%</b>	<b>1,711</b>	<b>287</b>	<b>\$87,450<sup>6</sup></b>	<b>4</b>	<b>894</b>	<b>1</b>	<b>310</b>

<sup>1</sup> The reporting year is the year to which the financial disclosure report pertains; the report is submitted the following calendar year.

<sup>2</sup> Includes those individuals who have appealed their agency's determination that they are required filers and who are thus currently in compliance.

<sup>3</sup> "Act." indicates active City employees; "inact." indicates inactive City employees.

<sup>4</sup> In 2006, virtually all reports were filed electronically for the first time, for reporting year 2005.

<sup>5</sup> Reporting year 2006 was the first time the Department of Investigation EO 91 report was integrated into electronic filing.

<sup>6</sup> The total amount of fines collected since the Board assumed responsibility for financial disclosure in 1990 is \$546,948.

\* The numbers reported in this chart have been updated to reflect activity since the 2009 annual report.

# ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

## SUMMARIES AND INDEXES

*A link to the full text of the Board's advisory opinions and enforcement cases may be found on the Board's website at <http://nyc.gov/ethics>.*

## OPINION SUMMARY

**OPINION NO:** 2010-1

**DATE:** 12/15/10

**CHARTER SECTION(S) INTERPRETED:**

197-c(e)  
2601(2), (19)  
2604(a)(1)(a)  
2604(b)(1)(b), (b)(2)  
2800

**SUBJECT(S):** Community Boards  
Community Education Councils

**OTHER OPINION(S) CITED:** 91-3, 93-2, 2006-1, 2007-1

**SUMMARY:** It will not violate Chapter 68 for a person who concurrently serves on a community education council of the Department of Education and a community board to consider and vote on a matter at one entity that had been or might be considered at the other entity, or to chair a committee at one entity that might consider matters that had been or might be considered at the other.

## OPINION SUMMARY

**OPINION NO:** 2010-2

**DATE:** 12/15/10

**CHARTER SECTION(S) INTERPRETED:**  
2604(b)(5), (b)(13)  
2604(e)

**SUBJECT(S):** Receipt of Prizes and Awards

**OTHER OPINION(S) CITED:** 95-28, 2005-1

**SUMMARY:** A public servant may not accept a cash award in recognition of or in reward for his or her City service, absent a waiver from the Board, applying the criteria set forth in this Advisory Opinion. Waiver applications will, however, no longer be necessary for the Frederick O'Reilly Hayes Prize, the Alfred P. Sloan Public Service Award, the Isaac Liberman Public Service Award, or the E. Virgil Conway College Scholarship, provided that the facts surrounding the funding and awarding of these awards remain substantially as described in the Opinion. The Board will consider waiver requests with respect to other cash prizes and awards on a case-by-case basis, on written application of the proposed recipient's agency head, and may in the future exempt other awards from the requirement of individualized waiver applications.

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1990-2010**

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## CHAPTER 68 ENFORCEMENT CASE SUMMARIES 2010

*Note: Some of the following summaries include more than one case, and some cases appear in more than one category.*

### **MOONLIGHTING WITH A FIRM ENGAGED IN CITY BUSINESS DEALINGS**

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)<sup>1</sup>

- (1) The Board issued a public warning letter to a New York City Department of Education (“DOE”) Principal for running Oakland Gardens 203 Corporation, a not-for-profit organization that engaged in business dealings with the DOE by providing after-school and summer programs at her school. The Principal served as an officer on the Oakland Gardens Board of Directors and was compensated for these services. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits public servants from acting as the paid officer or director for any not-for-profit corporation, association, or other such entity that engages in business dealings with the City agency they serve. *COIB v. Nussbaum*, COIB Case No. 2010-191 (2010).
- (2) The Board fined a former Borough Command Captain for the New York City Human Resources Administration (“HRA”) \$1,500 for working for a firm that had business dealings with the City and using his City-issued Blackberry and City e-mail account to do work related to his outside employment and private business. The former Borough Command Captain admitted that since June 2008 he held a part-time position as a Fire Safety Director and Security Supervisor at a private security company that contracts with the New York City Department of Correction and that he used his City-issued Blackberry to make several calls related to his work at this company as well as his work for a security consulting company he owned and operated. The former Borough Command Captain acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that such public servant knows, or should know, is engaged in business dealings with the City and from using City resources for any non-City purpose. *COIB v. Agbaje*, COIB Case No. 2009-514 (2010).

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<sup>1</sup> City Charter § 2604(a)(1)(a) states: “Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board.”

City Charter § 2604(a)(1)(b) states: “Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board.”

- (3) The Board issued public warning letters to 14 New York City Department of Education teachers who were employed as tutors by a private firm that contracted with DOE to provide tutoring services to DOE students. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 prohibits public servants from being employed by an firm that is engaged in business dealings with their agency and that those public servants wishing to be employed by such firms must obtain written approval from their agency and a waiver from the Board. *COIB v. Braccia*, COIB Case No. 2008-539m (2010); *COIB v. Burke*, COIB Case No. 2008-539x (2010); *COIB v. Daras*, COIB Case No. 2008-539b (2010); *COIB v. Grolimund*, COIB Case No. 2008-539h (2010); *COIB v. Holmes*, COIB Case No. 2008-539 (2010); *COIB v. Mapp*, COIB Case No. 2008-539u (2010); *COIB v. Reiter*, COIB Case No. 2008-539i (2010); *COIB v. Sarot*, COIB Case No. 2008-539t (2010); *COIB v. Shapiro*, COIB Case No. 2008-539r (2010); *COIB v. Simms*, COIB Case No. 2008-539d (2010); *COIB v. Taylor*, COIB Case No. 2008-539e (2010); *COIB v. Vyas*, COIB Case No. 2008-539aa (2010); *COIB v. Wheeler*, COIB Case No. 2008-539b (2010); *COIB v. Ziotis*, COIB Case No. 2008-539q (2010).
- (4) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with an Associate Staff Analyst in which the Associate Staff Analyst agreed to be suspended for 22 work days, valued at \$6,005.34; forfeit 136 hours of annual leave, valued at \$5,303.48; resign from DOHMH; and never seek City employment in the future for her multiple violations of the City’s conflicts of interest law. Among her violations, the Associate Staff Analyst acknowledged that she worked as the full-time, paid Executive Director of a not-for-profit organization engaged in business dealings with the City and DOHMH during the eighteen months she was on an approved leave from DOHMH unrelated to employment with the not-for-profit. The Associate Staff Analyst admitted that in doing so she violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows or should know is engaged in business with the agency served by the public servant or with the City. *COIB v. M. John*, COIB Case No. 2008-756 (2010).
- (5) The Board fined a former Member of the Board of Directors of the New York City Health and Hospital Corporation (“HHC”) \$13,500 for his multiple violations of the City’s conflicts of interest law. The former Board Member acknowledged that, during the time that he served on the HHC Board of Directors, he also held a series of paid positions with a foreign medical school (the “School”) which had contracted, since 1977, with multiple HHC facilities to provide placements for the School’s students in clinical clerkship programs at HHC hospitals and then, in 2007, entered into a comprehensive, agency-wide contract for the placement of the School’s students. In light of his positions at the School and on the Board, the former Board Member was aware of the School’s business dealings with HHC. The former Board Member admitted that by simultaneously having a position with both HHC and the School he violated the City’s conflicts of interest law, which prohibits a public servant from having a position with a firm that the public servant knows or should know is engaged in business dealings with the public servant’s agency. The former Board Member further acknowledged that, in having these dual roles at the School and on the HHC Board of Directors, he created at least the appearance that the actions he took as a Board Member were done in part to benefit the School, in violation of the City’s conflicts of interest law, which prohibits a public servant from having any private business, interest, or

employment which is in conflict with the proper discharge of the public servant's official duties. The former Board Member further acknowledged that, while he was a Board Member, he contacted HHC personnel at different HHC facilities on behalf of the School about increasing the number of placements available at those facilities for the School's students. The former Board Member admitted that in so doing he violated the City's conflicts of interest law, which prohibits a public servant from appearing for compensation before any City agency on behalf of a private interest. *COIB v. Ricciardi*, COIB Case No. 2008-648 (2010).

- (6) The Board issued a public warning letter to a New York City Administration for Children's Services ("ACS") Clerical Associate II who also worked for four and one-half years as a translator at Geneva Worldwide, Inc., a firm engaged in business dealings with ACS. While not pursuing further enforcement action, in part because the Clerical Associate II had since resigned from Geneva, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from engaging in outside employment with a firm that has business dealings with their own agency without first obtaining written approval from the head of their agency and, if such permission is obtained, a written waiver from the Board. *COIB v. Jean*, COIB Case No. 2009-685 (2010).
- (7) The Board issued public warning letters to two New York City Department of Education ("DOE") Social Workers working at DOE's Austin J. MacCormick Island Academy at Rikers Island for also being employed by Prison Health Services at Rikers Island, a firm engaged in business dealings with the City. Neither Social Worker had a waiver permitting work at Prison Health Services prior to commencing that employment, and both were informed that they needed to end this outside employment or seek a waiver but did not immediately do so. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from working for any firm that does business with the City but that, under certain circumstances, the Board may grant a waiver of that prohibition, subject to certain conditions, after receiving written approval of the public servant's agency head. *COIB v. Johnson*, COIB Case No. 2008-394a (2010); *COIB v. Ljubicic*, COIB Case No. 2008-394b (2010).

#### **OWNERSHIP INTEREST IN A FIRM ENGAGED IN BUSINESS DEALINGS WITH THE CITY**

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)<sup>2</sup>

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<sup>2</sup> City Charter § 2604(a)(1)(a) states: "Except as provided in paragraph three below, no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board."

City Charter § 2604(a)(1)(b) states: "Except as provided in paragraph three below, no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the City, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the Board."

- (8) The Board concluded a settlement with a former New York City Department of Education (“DOE”) Occupational Therapist who admitted that she owned a firm that provided therapy to DOE students and that she appeared before DOE on behalf of her firm each time she requested payment from DOE for those services. The former Occupational Therapist further admitted that she had an ownership interest within the meaning of Chapter 68 in her husband’s firm, which firm also provided physical and occupational therapy to pre-school aged children for which services it was paid by DOE. The former Occupational Therapist acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows is engaged in business dealings with the agency served by the public servant and prohibits a public servant from, for compensation, representing a private interest before any City agency or appearing directly or indirectly on behalf of a private interest in matters involving the City. DOE had previously terminated the Occupational Therapist for this conduct. The Board took the DOE penalty into consideration in deciding not to impose a fine. *COIB v. Bollera*, COIB Case No. 2010-446 (2010).
- (9) The Board issued a public warning letter to a New York City Department of Education (“DOE”) teacher who had an imputed ownership interest in her husband’s business. The Board issued the public warning letter after receiving evidence that, although the business contracted with DOE from 2006 through 2009, the teacher did not have anything to do with those business dealings with DOE. The Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits full-time public servants from having an ownership interest in a firm—which would include a business owned by the public servant’s spouse or domestic partner—that conducts business with any City agency or their own agency, without first obtaining a waiver from the Board. *COIB v. Bryant*, COIB Case No. 2009-290 (2010).
- (10) The Board issued public warning letters to two Firefighters for the New York City Fire Department for owning a private firm that engaged in business dealings with the New York City School Construction Authority (“SCA”) by working as a subcontractor of an SCA project *and* for appearing before SCA in furtherance of their firm’s work on the current SCA project and similar future projects. The Firefighters did not seek an order from the Board allowing them to hold their prohibited interests in the firm until after the firm began work on the SCA project. While not pursuing further enforcement action, the Board took the opportunity of these public warning letters to remind public servants that Chapter 68 prohibits public servants from holding ownership interests in firms engaged in business dealings with the City. Furthermore, where application of the factors identified in Advisory Opinion No. 99-2 so indicates, a firm may be engaged in business dealings with the City within the meaning of Chapter 68 as a subcontractor even if the firm has neither sought nor secured a prime contract from the City. Nonetheless, under certain circumstances, the Board may determine that an otherwise prohibited interest would not conflict with the proper discharge of a public servant’s official duties and allow the public servant to retain the interest. *COIB v. Clingo*, COIB Case No. 2008-821 (2010); *COIB v. McGinty*, COIB Case No. 2008-821a (2010).
- (11) The Board issued a public warning letter to a New York City Department of Education (“DOE”) School Aide for having an imputed ownership interest in her husband’s firm, which

firm engaged in business dealings with her school. The School Aide did not seek an order from the Board to allow her to maintain her ownership interest in the firm prior to the firm's business dealings with DOE. In determining not to pursue further enforcement action, the Board took into consideration that the School Aide did not solicit business on behalf of the firm or participate in the firm's business dealings with DOE. The Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits public servants from having an ownership interest in any firm that does business with the City and that public servants are required to seek an order from the Board *before* a firm in which they have an ownership interest enters into any business dealings with the City. *COIB v. Knight*, COIB Case No. 2009-243 (2010).

### **MISUSE OF CITY TIME & CITY RESOURCES**

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules §§ 1-13(a), 1-13(b)<sup>3</sup>

(12) The Board fined the former School Secretary at Middle College High School in Queens \$14,000 for misusing for her own personal benefit her New York City Department of Education (“DOE”) position and the DOE resources entrusted to her as a result of that position. The former School Secretary admitted that she had been given access to a DOE procurement card (“P-Card”) for the sole purpose of making purchases for the school. From 2003 through August 2009, the former School Secretary made multiple personal purchases using the P-Card, including a Dell Notebook computer, a couch from Mattress & Furniture, and a washer and dryer combination from P.C. Richard & Son, the latter two of which were for her daughter. The former School Secretary further admitted that she had been given access to the Small Item Payment Process (“SIPP”) account for the sole purpose of making purchases for the school. From 2007 through 2009, the former School Secretary made multiple personal purchases using Middle College High School's SIPP account, including personal car services totaling \$1,137.50 and payment of her personal cellular phone and internet invoices, totaling \$1,498. The former School Secretary admitted that her personal use of DOE funds totaled approximately \$7,000. Finally, the former School Secretary admitted that, in late 2008, she took a DOE laptop computer, without authorization from DOE, from Middle College High School and gave it to her granddaughter for her personal use for approximately one week. The former School Secretary acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position for private financial gain and from using City resources, such as school funds, for any non-City purpose. *COIB v. D. Rizzo*, COIB Case No. 2010-610 (2010).

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<sup>3</sup> City Charter § 2604(b)(2) states: “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.”

Board Rules § 1-13(a) states in relevant part: “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(b) states in relevant part: “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.”

- (13) The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement with a Housing Assistant who agreed to be suspended for 15 days without pay, valued at \$3,082, for using his City computer, telephone, and e-mail account during his City work hours to do work for his private tax preparation and immigration business. The Housing Assistant admitted that, between February 2006 and April 2009, he used City office resources during his City work hours to: (a) access tax and immigration websites on twenty-six different dates; (b) store and modify twenty-five Internal Revenue Service forms and three letters; (c) send an e-mail message using his NYCHA e-mail account; and (d) make eighteen calls using his City telephone, all for his private tax and preparation business. The Housing Assistant acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose and from using City time to pursue non-City activities. *COIB v. Karim*, COIB Case No. 2010-242 (2010).
- (14) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a Supervising Computer Service Technician in the DOHMH Bureau of Network and Technology Services who admitted that, at times when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to perform work related to the private ministry that he headed. Specifically, the Supervising Computer Service Technician used his DOHMH computer and e-mail account to create, store, and send documents related to the ministry and to update the ministry website; he also e-mailed himself the product keys for DOHMH-licensed copies of Microsoft Office 2007 and Microsoft Visio. The Supervising Computer Service Technician acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private, non-City activities. For this misconduct, as well as other conduct that violated the DOHMH Standards of Conduct but not the City’s conflicts of interest law, the Supervising Computer Service Technician agreed to irrevocably resign from DOHMH effective February 25, 2011. *COIB v. C. Vazquez*, COIB Case No. 2010-768 (2010).
- (15) The Board and the New York City Department of Housing Preservation and Development (“HPD”) concluded a three-way settlement with an HPD Real Property Manager who, at times when he was supposed to be doing work for HPD, used a City computer and telephone to perform work related to his private insurance business. The Real Property Manager admitted that, in addition to his City job, he is the owner and sole employee of Orah Insurance Brokerage and that, at times when he was required to be working for HPD, he used his HPD telephone to make approximately 4,214 personal calls, including calls related to his insurance business, for a total duration of over 346 hours. The Real Property Manager acknowledged that his conduct violated the City of New York’s conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private activities. For this misconduct, the Principal Administrative Associate agreed to be suspended by HPD for 60 calendar days, valued at \$8,464.44, plus be placed on probation for one year starting from the date of the completion of the suspension. *COIB v. Orah*, COIB Case No. 2010-661 (2010).

(16) The Board fined the former Senior Deputy Director for Infrastructure Technology in the Information Technology Division at the New York City Housing Authority (“NYCHA”) \$20,000 for his multiple violations of the City’s conflicts of interest law related to his work at his restaurant, 17 Murray. The former Senior Deputy Director acknowledged that, in October 2005, he sought an opinion from the Board as to whether, in light of his position at NYCHA, he could acquire a 50% ownership interest in the restaurant 17 Murray. The Board advised him, in writing, that he could own the restaurant, provided that, among other things, he not use any City time or resources related to the restaurant, he not use his City position to benefit the restaurant, and he not appear before any City agency on behalf of the restaurant. Despite these specific written instructions from the Board, the former Senior Deputy Director proceeded to engage in the prohibited conduct. The Senior Deputy Director admitted that, among his violations, starting in May 2006, often at times he was required to be performing work for the City, he: (a) used his NYCHA computer and e-mail account to send hundreds of e-mails related to the restaurant, in some of which he provided his NYCHA office telephone number and NYCHA cell phone number as his contact information for the restaurant; (b) created and/or saved at least thirteen documents on his NYCHA computer related to the restaurant; (c) used his NYCHA office telephone to make approximately 800 calls to the restaurant, totaling 28 hours of telephone time; (d) used his NYCHA-issued Blackberry to make or receive approximately 830 calls to or from the restaurant, totaling 34 hours of telephone time; and (e) used his NYCHA-issued van to make food deliveries for the restaurant. The former Senior Deputy Director acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City and from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. . The former Senior Deputy Director also acknowledged that he had resigned from NYCHA while disciplinary proceedings were pending against him for this misconduct. *COIB v. Fischetti*, COIB Case No. 2010-035 (2010).

(17) The Board issued its Findings of Facts, Conclusions of Law, and Order fining a former Procurement Analyst for the New York City Department of Health and Mental Hygiene (“DOHMH”) \$2,000 for using his DOHMH e-mail account to send and receive numerous e-mails related to his private business as a certified notary signing agent and for providing his DOHMH telephone number to clients of that business. The Board’s Order adopted in substantial part the Report and Recommendation of the Office of Administrative Trials and Hearings (“OATH”), issued after a full trial before Administrative Law Judge (“ALJ”) Faye Lewis. The Board found that the ALJ correctly determined that the former Procurement Analyst had used his DOHMH e-mail account for his private notary business and had given out his DOHMH e-mail address, telephone number, and fax number to clients as his contact information for that business. The ALJ found, and the Board adopted as its own findings, that the Procurement Analyst’s conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City resources, which would include a City computer, telephone, e-mail account, and fax machine, for any non-City purpose, in particular any secondary employment or private business. The Board rejected the recommended fine of \$600 and instead determined that a \$2,000 fine is the appropriate penalty. In setting the amount of the fine, the Board took into consideration that the Respondent “declined to settle, forcing the Board’s enforcement staff to prepare for and conduct a trial at OATH, where the evidence received was never disputed or contradicted.” The Board reiterated its policy of

encouraging settlements “by accepting lower fines where the Respondent admits violating prior to trial than it imposes where the Respondent does not settle.” *COIB v. R. McNeil*, COIB Case No. 2009-307 (2010).

- (18) The Board and the New York City Administration for Children’s Services (“ACS”) concluded a three-way settlement with an ACS Child Protective Specialist who was suspended by ACS for three days without pay, valued at \$571, for using ACS letterhead to send a letter for a non-City purpose. The Child Protective Specialist acknowledged that she used ACS letterhead without authorization to send a letter to the New York City Department of Homeless Services (“DHS”) requesting that her daughter’s friend, who had been living with her, be provided with housing through the DHS Prevention Assistance and Temporary Housing Program. The Child Protective Specialist acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City resources, such as City letterhead, for any non-City purpose. *COIB v. S. Bradley*, COIB Case No. 2010-558 (2010).
- (19) The Board and the New York City Fire Department (“FDNY”) concluded a three-way settlement with an FDNY Supervisor of Mechanics who was fined six days’ pay by FDNY, valued at \$2,060, for using his City vehicle during his City work hours to conduct an electrical inspection on behalf of his private company. The Supervisor of Mechanics acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose and from pursuing personal activities during times when the public servant is required to perform services for the City. *COIB v. Yung*, COIB Case No. 2009-465 (2010).
- (20) The Board fined a former Borough Command Captain for the New York City Human Resources Administration (“HRA”) \$1,500 for working for a firm that had business dealings with the City and using his City-issued Blackberry and City e-mail account to do work related to his outside employment and private business. The former Borough Command Captain admitted that since June 2008 he held a part-time position as a Fire Safety Director and Security Supervisor at a private security company that contracts with the New York City Department of Correction and that he used his City-issued Blackberry to make several calls related to his work at this company as well as his work for a security consulting company he owned and operated. The former Borough Command Captain acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that such public servant knows, or should know, is engaged in business dealings with the City and from using City resources for any non-City purpose. *COIB v. Agbaje*, COIB Case No. 2009-514 (2010).
- (21) The Board fined a former Appraiser at the New York City Department of Citywide Administrative Services (“DCAS”) \$2,000 for, during times she was supposed to be performing work for the City, using a DCAS vehicle, a DCAS computer, and her DCAS e-mail account to perform work related to her private appraisal practice. The former Appraiser admitted that she had sent hundreds of pages of e-mails regarding her private appraisal work using her DCAS e-mail account and her DCAS computer and that she had, on January 30, 2009, used her DCAS-assigned vehicle to perform private appraisals. The former Appraiser acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using

City time or City resources for any non-City purpose. *COIB v. Currie*, COIB Case No. 2010-051 (2010).

- (22) The Board and the New York City Department of Sanitation (“DSNY”) concluded a three-way settlement with a DSNY Sanitation Worker who, while in the course of conducting his regular collection route, used his Sanitation truck to collect construction debris, also known as “trade waste.” Trade waste is not collected by DSNY, and the collection of trade waste is an impermissible use of a Sanitation truck. The Sanitation Worker acknowledged that his conduct also violated the City’s conflicts of interest law, which a public servant from using any City resource, such as a City vehicle, for any non-City purpose. The Sanitation Worker agreed to retire from DSNY effective July 17, 2010, and not seek future employment with DSNY ever or with the City for five years. The second Sanitation Worker in the truck that day collecting trade waste, who had previously retired from DSNY effective March 2, 2010, was issued a public warning letter by the Board. *COIB v. Coward*, COIB Case 2010-433 (2010); *COIB v. Jack*, COIB Case No. 2010-433a (2010).
- (23) The Board fined a former Telecommunications and Vehicle Coordinator for the New York City Housing Authority (“NYCHA”) \$900 for soliciting and obtaining loans totaling \$300 from two superiors. The former Telecommunications and Vehicle Coordinator also acknowledged that he misappropriated \$503 from NYCHA’s petty cash fund by altering the dollar amount on two vouchers and receipts that were submitted for reimbursement and keeping not only the difference between the correct amount and the altered amount (\$110) but also the \$393 he should have reimbursed to the NYCHA employee. The former Telecommunications and Vehicle Coordinator admitted that he violated the City’s conflicts of interest law, which: (a) prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant; (b) prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant; and (c) prohibits a public servant from using City resources, such as City money, for any non-City purpose. In setting the amount of the fine, the Board took into consideration the former Telecommunications and Vehicle Coordinator’s financial hardship and that he had been suspended for 30 days without pay by NYCHA, valued at \$3,890. *COIB v. Chabot*, COIB Case No. 2010-067 (2010).
- (24) The Board and the New York City Department of Environmental Protection (“DEP”) concluded a three-way settlement with a DEP Lab Microbiologist who was suspended by DEP for eight days without pay, valued at \$1,495, for using his City vehicle, in violation of DEP Rules and Procedures, to pick up his daughter from school. The Lab Microbiologist acknowledged that, on those occasions, he drove the City vehicle home and kept it overnight, also in violation of DEP Rules and Procedures. The Lab Microbiologist acknowledged that his conduct also violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose. *COIB v. Speranza*, COIB Case No. 2010-245 (2010).
- (25) The Board and the New York City Department of Environmental Protection (“DEP”) concluded a three-way settlement with a DEP Sewage Treatment Worker who, in January

2010, took a heating coil and PVC piping from the grounds of DEP's Red Hook Sewage Treatment Plant. The Sewage Treatment Worker acknowledged that, in so doing, he violated the DEP Uniform Code of Discipline and the City of New York's conflicts of interest law, which prohibits a City employee from using City resources for any non-City purpose. For this misconduct, the Sewage Treatment Worker agreed to resign from DEP and to not seek employment with DEP ever or with the City for five years. The Sewage Treatment Worker also paid restitution to the City in the amount of \$2,932.88, which was the cost to the City of the heating coil he took. *COIB v. C. Clare*, COIB Case No. 2010-315 (2010).

- (26) The Board fined a Clerical Associate at the New York City Department of Citywide Administrative Services ("DCAS") \$1,750 for, from 2004 to 2009, using her DCAS e-mail account, DCAS computer, DCAS telephone, and a DCAS fax machine to manage her brother's professional singing career. Specifically, the Clerical Associate admitted that, between May 2008 and April 2009, she sent 21 and received 29 e-mail messages related to her brother's singing career. The Clerical Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose. *COIB v. Duncan*, COIB Case No. 2010-005 (2010).
- (27) The Board concluded a settlement with a Parent Coordinator for the New York City Department of Education ("DOE") for conflicts of interest law violations related to her misuse of school funds to buy ice cream and uniform emblems to sell as unauthorized school fundraisers. The DOE Parent Coordinator admitted to billing her school for ice cream and uniform emblems to sell to students and parents as fundraisers for the school. The Parent Coordinator admitted that she failed to remit any money she collected to the school's treasury and could account for only some of the money she had collected. Although the Parent Coordinator's Principal was aware of these activities, such knowledge and tacit approval did not constitute proper authorization from DOE to engage in fundraising activities nor did it excuse the Parent Coordinator's failure to conform to DOE rules and regulations regarding fundraising and collecting money from students and parents. The Parent Coordinator acknowledged that her conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for non-City purposes. The Parent Coordinator previously accepted a 75-calendar-day suspension from DOE in settling a matter with DOE concerning the same conduct. The Board took into consideration this suspension without pay, which has an approximate value of \$7,515 to the Parent Coordinator, in deciding not to impose an additional fine. *COIB v. Jua. Williams*, COIB Case No. 2009-598b (2010).
- (28) The Board issued a public warning letter to a New York City Department of Education ("DOE") Clerical Associate who, between September 2007 and January 2009, wrote six otherwise accurate employment verification letters on DOE letterhead, in which letters she forged the signature of a DOE Timekeeper, in order to continue receiving benefits from a not-for-profit organization. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from using City resources, such as agency letterhead, for non-City purposes. *COIB v. Alston*, COIB Case No. 2009-308 (2010).

- (29) In joint settlements with the New York City Department of Health and Mental Hygiene (“DOHMH”) - Office of the Chief Medical Examiner (“OCME”), the Board fined two Criminalists in the OCME Department of Forensic Biology \$1,500 each for using City resources to work on and promote a textbook they wrote. In 2006, the Board had granted the Criminalists a waiver of the conflicts of interest law provision that prohibits moonlighting with any firm engaged in business dealings with the City, allowing them to contract with a publishing company to author a text book. In granting the waiver, the Board explicitly informed them that it would violate Chapter 68 to use any amount of OCME equipment or other resources to work on their book. Despite this warning, one of the Criminalists used his OCME email account to promote the textbook and the other Criminalist used his OCME email account to communicate with the book’s publishers and stored the entire book on his OCME computer. Both Criminalists admitted that their conduct violated the City’s conflicts of interest law, which prohibits public servants from using City resources for any non-City purposes, and paid a \$1,500 fine to the Board. *COIB v. Kolowski*, COIB Case No. 2006-772 (2010); *COIB v. Fisher*, COIB Case No. 2006-772a (2010).
- (30) The Board and the New York City Department of Parks and Recreation (“Parks”) concluded a three-way settlement with the Parks Chief of Design of Capital Projects who paid an \$800 fine to the Board and full restitution to Parks of \$801.95 for using his City-issued E-ZPass for unauthorized personal travel. The Chief of Design acknowledged that, from July 2007 to December 2008, he used his City-issued E-ZPass, without authorization from Parks, on approximately 196 occasions to commute to and from his home, costing Parks a total of \$801.95. The Chief of Design acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for a non-City purpose. *COIB v. McKinney*, COIB Case No. 2010-103 (2010).
- (31) The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with an HRA Caseworker who was required by HRA to irrevocably resign and to never seek future employment with HRA for misusing City resources by falsifying an HRA Employment Verification form for his personal financial benefit. The Caseworker acknowledged that, on September 19, 2007, he completed an HRA Employment Verification form on which he misstated his income, forged his supervisor’s signature, and then filed the form with the New York City Housing Development Corporation (“HDC”) in order to qualify for a low-income apartment with HDC. The Caseworker acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose. *COIB v. Siyanbola*, COIB Case No. 2009-687 (2010).
- (32) The Board and the New York City Department of Environmental Protection (“DEP”) concluded a three-way settlement with a DEP Civil Engineer who was fined \$250 by the Board and forfeited to DEP three days of annual leave, valued at \$903, for using his City vehicle during his City work hours to conduct two meetings concerning his private engineering business. The Civil Engineer acknowledged that, in or around July 2008, he twice used his City vehicle to conduct meetings concerning his private engineering business during his City work hours. The Civil Engineer acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City resources for any

non-City purpose and from pursuing personal activities during times when the public servant is required to perform services for the City. *COIB v. Jamal*, COIB Case No. 2009-814 (2010).

- (33) The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement with a NYCHA Secretary, assigned to the Betances Houses, who was suspended by NYCHA for five days without pay, valued at \$612, for opening a NYCHA business account with the Oriental Trading Company for her personal use. The Secretary acknowledged that, in 2007, she opened a business account with the Oriental Trading Company by providing the company with NYCHA’s name as the account holder and listing herself as the only person authorized to make purchases under that account. The Secretary also acknowledged that she used the address for NYCHA’s Betances Houses Management Office as both the shipping and billing addresses for that account. By opening a business account with Oriental Trading Company, the Secretary received a thirty-day grace period on payments for purchases made on the account, which grace period was not provided to non-business accounts. The Secretary acknowledged that she violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her City position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and from using City resources for any non-City purpose. *COIB v. Aponte*, COIB Case No. 2009-486 (2010).
- (34) The Board imposed a \$7,500 fine on a former Community Coordinator for the New York City Administration for Children’s Services (“ACS”) for using her ACS computer and email account to do outside legal work—despite not being a licensed attorney—and misleading non-City government agencies and offices to believe that she was acting on behalf ACS in her private clients’ U.S. immigration matters in which ACS had no official involvement or interest. The former ACS Community Coordinator admitted using her ACS email account to request that the office of a country’s diplomatic mission expedite an individual’s U.S. visa application and to send a similar email, wherein she falsely identified herself as both an attorney and ACS Child Protective Specialist acting on behalf of a U.S. visa applicant. ACS had no involvement or interest in either visa application. The former Community Coordinator further admitted sending another email from her ACS account, in which she asked an Assistant Chief of Counsel for the enforcement division of a non-City government agency about the status of another private client’s legal matter that was pending before a tribunal of that agency. The former Community Coordinator acknowledged that she attempted to use her ACS position to give her private client an advantage in the U.S. visa application process, in violation of the City’s conflicts of interest law prohibition on public servants using or attempting to use their City positions to obtain an advantage for any person associated with the public servant, which includes a private client. She further acknowledged that her above-described use of her ACS email account and computer violated the conflicts of interest law prohibition on using City resources for non-City purposes. The Board imposed a \$7,500 fine on the former Community Coordinator for her violations. However, after taking her current financial hardship into consideration, the Board agreed to forgive the total amount of the fine unless and until she becomes employed. *COIB v. Tiekou*, COIB Case No. 2009-009 (2010).

- (35) The Board fined a Data Technician in the Information Technology Division at the New York City Housing Authority (“NYCHA”) \$1,500 for, sometimes during hours when he was supposed to be doing work for NYCHA, using his City computer, his NYCHA-assigned Blackberry, and his NYCHA e-mail account to send and receive numerous e-mails related to work he did for a restaurant owned by his superior at NYCHA. The Data Technician represented to the Board that he was not formally paid for his work for the restaurant, although he did occasionally receive free meals and drinks at the restaurant. The Data Technician acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City time or City resources, such as a City computer or e-mail account, for any non-City purpose. *COIB v. Eng*, COIB Case No. 2010-035a (2010).
- (36) The Board and the New York City Department of Environmental Protection (“DEP”) concluded a three-way settlement with a DEP Principal Administrative Associate who used City time and City resources for both his private and personal benefit. The Principal Administrative Associate admitted that, while he was employed at the DEP Print Shop, he printed various documents, including business cards, for his private business. The Principal Administrative Associate also admitted that he regularly used City time and resources to copy books for his and others’ personal use. The Principal Administrative Associate admitted that his conduct violated the City conflicts of interest law, which prohibits a public servant from pursuing personal and private activities during times when the public servant is required to perform services for the City and from using City resources for any non-City purpose. The DEP fined the Principal Administrative Associate ten days’ pay, valued at \$2,124.60, and the Board fined him \$400, for a total financial penalty of \$2,524.60. *COIB v. Hines*, COIB Case No. 2009-261 (2010).
- (37) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a Public Health Epidemiologist in the DOHMH Bureau of Informatics and Development, who admitted that, at times when she was supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account in an amount substantially in excess of the *de minimis* amount permitted by the City of New York’s Policy on Limited Personal Use of City Office and Technology Resources (also known as the “Acceptable Use Policy”) to complete research and assignments related to a university degree. The Public Health Epidemiologist acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Public Health Epidemiologist further admitted that the New York State Department of Health (“NYSDOH”) assigned her a password to access a confidential database maintained by NYSDOH, that she was assigned that password for her sole use in connection with her official DOHMH duties, and that she had used that password to gather information for assignments related to her university degree. While the Public Health Epidemiologist did not use or disclose any of the highly confidential patient information on the NYSDOH database, she used information that was not available to the general public for her own personal purposes. The Public Health Epidemiologist acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant. For this misconduct, the Public

Health Epidemiologist agreed to pay a \$1,000 fine to the Board, be suspended by DOHMH without pay for five days, valued at approximately \$1,047.55, and forfeit five days of annual leave, valued at approximately \$1,047.55. *COIB v. S. Wright*, COIB Case No. 2009-646 (2010).

- (38) The Board and New York City Department of Education (“DOE”) concluded a three-way settlement with a DOE teacher who paid a \$1,250 fine to the Board for using her position to obtain a New York City Department of Transportation (“DOT”) parking permit and allowing her husband to use an altered copy of the parking permit to avoid receiving a parking ticket for parking illegally near a school. The teacher acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and from using City resources for any non-City purpose. *COIB v. Velez Rivera*, COIB Case No. 2009-542 (2010).
- (39) The Board fined a teacher for the New York City Department of Education (“DOE”) \$900 for using his City e-mail account to send two e-mail messages to DOE employees, parents, and students relating to his campaign for re-election as United Federation of Teachers (“UFT”) Chapter Leader of his school. As Chapter Leader of his school, the teacher received an annual stipend from UFT of approximately \$1,175 (\$5 for each UFT member at his school). The teacher acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from using City resources, including their e-mail accounts, for any non-City purpose. The Board also issued his opponent, another DOE teacher, a public warning letter for using her DOE e-mail account to send one e-mail message to DOE employees relating to her campaign for the same UFT Chapter Leader position. *COIB v. Maliaros*, COIB Case No. 2009-445 (2010); *COIB v. Nerich*, COIB Case No. 2009-445a (2010).
- (40) In August 2009, the Board fined a former New York City Human Resources Administration (“HRA”) Executive Agency Counsel \$1,500 for using her City-issued LexisNexis password to access LexisNexis for non-City purposes, which fine she agreed to pay in equal monthly installments through December 2009. The former Executive Agency Counsel admitted that, in order to access records on LexisNexis using her City-issued password, she was required to certify that the information she sought was for a “permissible use,” defined by HRA as use for a City purpose, such as to detect and prevent fraud by HRA clients. The former Executive Agency Counsel admitted that, between October 2007 and July 2008, she conducted public records searches on thirty-one individuals for personal, non-City purposes. The former Executive Agency Counsel acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and prohibits a public servant from using City resources, such as City-issued passwords, for any non-City purpose. Between September 2009 and February 2010, the former Executive Agency Counsel paid \$900 of the \$1,500 fine. In March 2010, the Board forgave the \$600 balance of the fine based on the former

Executive Agency Counsel's documented financial hardship, including her unemployment and outstanding balances on her mortgage and utility bills. *COIB v. Finkenberg*, COIB Case No. 2009-029 (2010).

- (41) The Board fined an Associate Staff Analyst at the New York City Department of Citywide Administrative Services ("DCAS") \$1,750 for, during times he was supposed to be performing work for the City, using a DCAS fax machine, his DCAS computer, and his DCAS e-mail account to perform work related to his two private businesses: a used car dealership and an online financing business. The Associate Staff Analyst admitted that he had sent numerous e-mails regarding both private businesses using his DCAS e-mail account and his DCAS computer and that he had, at least once, used a DCAS fax machine to send a fax related to his private used car dealership. The Associate Staff Analyst acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources for any non-City purpose. *COIB v. Baker*, COIB Case No. 2009-723 (2010).
- (42) The Board fined a former Director of Construction at the New York City Department of Sanitation ("DSNY") \$6,000 for: (a) asking a DSNY subordinate to perform personal tasks for him, including driving him to the hospital to visit a patient; (b) asking a lower-ranking DSNY employee who was also certified as an Asbestos Investigator to certify that his home was asbestos-free on a notification form mandated by the Department of Buildings in order for the Director of Construction to remodel his home; and (c) obtaining two summer jobs for his son with firms having DSNY business dealings for which he was Director of Construction. The former Director of Construction admitted that in so doing he violated the City's conflicts of interest law, which prohibits the use of City resources – which includes City personnel – for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, including a child. *COIB v. Holchendler*, COIB Case No. 2007-635 (2010).
- (43) The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a DOE teacher who was fined \$3,500 by DOE for using her school's BJ's Wholesale Club membership, which was obtained using the school's tax identification number and was to be used only for City purposes, to make personal, tax-free purchases. The teacher acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as the agency's tax-exempt identification number, for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Cohen-Brown*, COIB Case No. 2009-053a (2010).
- (44) The Board fined a former Supervisor of Child Care at the New York City Administration for Children's Services ("ACS") \$500 for his multiple violations of the City's conflicts of interest law, a fine that was reduced from \$3,000 because of the Supervisor's demonstrated financial hardship. First, the former Supervisor of Child Care admitted that he requested and

received a loan from a temporary employee who was working at ACS as a Children's Counselor under his direct supervision. The Children's Counselor made the loan by purchasing a laptop computer on behalf of the Supervisor using her personal credit card, which loan the Supervisor repaid over the next eight months. The former Supervisor of Child Care acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from using his City position for private financial gain. Second, the former Supervisor of Child Care admitted that he stored on his ACS computer a copy of a book that he intended to sell for a profit. The former Supervisor acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as a computer, for any non-City purpose, in particular for any private business or secondary employment. Third, the former Supervisor of Child Care admitted that he had solicited the sale and sold a copy of that book to at least one Children's Counselor who was his subordinate. The former Supervisor acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the superior or subordinate of that public servant. In Advisory Opinion No. 98-12, the Board stated that, while public servants may sell items, such as a book, to their peers, the sale of any item by a superior to a subordinate is prohibited by Chapter 68. *COIB v. Avinger*, COIB Case No. 2009-312 (2010).

(45) The Board and the New York City Department of Parks & Recreation ("Parks") concluded a joint settlement with a Parks Recreation Center Manager who paid a \$2,500 fine to the Board for using a Parks vehicle and personnel to facilitate his vacation plans and for using his Parks computer to sell merchandise on eBay. The Recreation Center Manager admitted that, in August 2007, he misused his City position when he had two subordinate Parks Recreation Playground Associates use a Parks vehicle to follow him to the Brooklyn Cruise Terminal to ensure that he was able to depart on his personal vacation if his car were to break down on the way to the terminal. After leaving on the cruise, the Playground Associates took the Manager's car back to his home in the Bronx. In addition, the Manager admitted that he used his Parks computer to sell athletic shoes and action figures for profit on eBay.com, occasionally during his Parks work day. The Recreation Center Manager acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-City purposes and from using one's City position to obtain any personal financial gain. *COIB v. Rosa*, COIB Case No. 2009-062 (2010).

(46) The Board fined a former Deputy Commissioner for the New York City Department of Information Technology and Telecommunications ("DoITT"), who was the General Manager and President of DoITT's media and television divisions, including NYC-TV, \$5,000 for his multiple violations of Chapter 68 of the New York City Charter, the City's conflicts of interest law. Among other things, the former General Manager acknowledged that he directed an information technology assistant from a private temporary employment agency to perform personal tasks for him at times the assistant should have been performing services for DoITT. Specifically, the former General Manager asked the information technology assistant to purchase Mac Books and software at the Apple store in SoHo for use, in part, for his private business, to purchase wireless cards for his personal use, to configure his personal Blackberry, and travel to his home to configure both his personal and DoITT computer equipment. The former General Manager also

acknowledged that he improperly used equipment purchased by DoITT specifically for his use at home on DoITT business. He acknowledged employing the equipment for his personal use and using his City computer in connection with his proposed consulting work for an international media and publishing company and for his work on a private film, despite having received written advice from the Board that he could not use any City resources in connection with the private film. The former General Manager admitted that in so doing he violated the City of New York's conflicts of interest law, which prohibits the use of City resources – including City personnel, computers, and other equipment – for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Wierson*, COIB Case No. 2009-226a (2010).

- (47) The Board issued a public warning letter to the former Director of Production at NYC-TV, a division of the New York City Department of Information Technology and Telecommunications, for using her City computer to open, draft, and/or store a draft Limited Liability Corporation agreement related to a private LLC that she planned on forming and eventually did form. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits public servants from using even a minimal amount of City resources, including the hard drive of one's City computer, for any private employment or business venture, whether or not the firm for that venture has been created. *COIB v. Roher*, COIB Case No. 2009-226c (2010).

### **AIDING OR INDUCING A VIOLATION OF THE CONFLICTS OF INTEREST LAW**

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules § 1-13(d)<sup>4</sup>

- (48) The Board and the New York City Department of Education (“DOE”) concluded joint settlements with a teacher, a parent coordinator, and the principal of P.S. 203 Oakland Gardens in Queens, who ducked the DOE's student enrollment rules to enroll the teacher's daughter in P.S. 203. In separate dispositions, the P.S. 203 principal, teacher, and parent coordinator admitted to arranging for the teacher's daughter – who lived outside the P.S. 203 school zone – to register at P.S. 203 by using the parent coordinator's home address within the school's zone boundaries. The teacher admitted to falsely claiming to reside at the parent coordinator's home so that she could avoid the DOE's student enrollment procedures, which would have required her to obtain written authorization from the DOE Office of Student Enrollment and Planning Operations to enroll her daughter in P.S. 203. The P.S. 203

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<sup>4</sup> City Charter § 2604(b)(2) states: “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.”

Board Rules § 1-13(d)(1) states in relevant part: “It shall be a violation of City Charter § 2604(b)(2) for any public servant to intentionally or knowingly solicit, request, command, importune, aid, induce or cause another public servant to engage in conduct that violates any provision of City Charter § 2604.”

principal admitted to instructing her school's pupil accounting secretary to use the parent coordinator's home address to register the student. The parent coordinator admitted to consenting to the scheme. The teacher paid a \$2,250 fine to the Board for her admitted violations of the provision of the City's conflicts of interest law that prohibits public servants from using their position as a public servant to obtain any privilege or other private or personal advantage, direct or indirect, for the public servant or any person associated with the public servant. The principal and parent coordinator each paid a \$1,500 fine to the Board for their admitted violations of the City's conflicts of interest law provision that prohibits public servants from aiding another public servant's violation of that law. *COIB v. Angelidakis*, COIB Case No. 2010-234a (2010); *COIB v. Halpern*, COIB Case No. 2010-234b (2010); *COIB v. Nussbaum*, COIB Case No. 2010-234c (2010).

(49) The Board fined the former Senior Deputy Director for Infrastructure Technology in the Information Technology Division at the New York City Housing Authority ("NYCHA") \$20,000 for his multiple violations of the City's conflicts of interest law related to his work at his restaurant, 17 Murray. The former Senior Deputy Director acknowledged that, in October 2005, he sought an opinion from the Board as to whether, in light of his position at NYCHA, he could acquire a 50% ownership interest in the restaurant 17 Murray. The Board advised him, in writing, that he could own the restaurant, provided that, among other things, he not use any City time or resources related to the restaurant, he not use his City position to benefit the restaurant, and he not appear before any City agency on behalf of the restaurant. Despite these specific written instructions from the Board, the former Senior Deputy Director proceeded to engage in the prohibited conduct. The former Senior Deputy Director admitted that, among his violations, from at least August 2006 through June 2009, he used his NYCHA subordinate, a Data Technician, to perform work on a regular basis at the restaurant without compensation. He further admitted that he caused his subordinate to use his NYCHA computer, e-mail account, and Blackberry to perform work related to the restaurant, at times the subordinate was required to be working for the City. The former Senior Deputy Director acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or a person or firm with which he is associated and prohibits a public servants from soliciting, requesting, commanding, aiding, inducing, or causing another public servant to violate the City's conflicts of interest law. The former Senior Deputy Director also acknowledged that he had resigned from NYCHA while disciplinary proceedings were pending against him for this misconduct. *COIB v. Fischetti*, COIB Case No. 2010-035 (2010).

(50) The Board fined a former New York City Council Member \$1,250 for knowingly causing his Chief of Staff to serve as the direct supervisor of his daughter, a Councilmanic Aide in the Council Member's District Office, during the daughter's five and one-half years of employment with the City Council. By directly supervising his daughter, the Chief of Staff violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which includes the public servant's child. The former Council Member acknowledged that, by causing his Chief of Staff to violate the City's conflicts of interest law, the Council Member himself violated the conflicts of interest law, which prohibits a public servant from intentionally or knowingly soliciting, requesting, commanding, aiding, inducing, or causing

another public servant to violate the City's conflicts of interest law. *COIB v. Stewart*, COIB Case No. 2008-346b (2010).

### **MISUSE OF CITY POSITION**

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)<sup>5</sup>

(51) The Board fined the former School Secretary at Middle College High School in Queens \$14,000 for misusing for her own personal benefit her New York City Department of Education (“DOE”) position and the DOE resources entrusted to her as a result of that position. The former School Secretary admitted that she had been given access to a DOE procurement card (“P-Card”) for the sole purpose of making purchases for the school. From 2003 through August 2009, the former School Secretary made multiple personal purchases using the P-Card, including a Dell Notebook computer, a couch from Mattress & Furniture, and a washer and dryer combination from P.C. Richard & Son, the latter two of which were for her daughter. The former School Secretary further admitted that she had been given access to the Small Item Payment Process (“SIPP”) account for the sole purpose of making purchases for the school. From 2007 through 2009, the former School Secretary made multiple personal purchases using Middle College High School’s SIPP account, including personal car services totaling \$1,137.50 and payment of her personal cellular phone and internet invoices, totaling \$1,498. The former School Secretary admitted that her personal use of DOE funds totaled approximately \$7,000. Finally, the former School Secretary admitted that, in late 2008, she took a DOE laptop computer, without authorization from DOE, from Middle College High School and gave it to her granddaughter for her personal use for approximately one week. The former School Secretary acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using his or her City position for private financial gain and from using City resources, such as school funds, for any non-City purpose. *COIB v. D. Rizzo*, COIB Case No. 2010-610 (2010).

(52) The Board and the New York City Department of Education (“DOE”) concluded joint settlements with a teacher, a parent coordinator, and the principal of P.S. 203 Oakland Gardens in Queens, who ducked the DOE’s student enrollment rules to enroll the teacher’s daughter in P.S. 203. In separate dispositions, the P.S. 203 principal, teacher, and parent coordinator admitted to arranging for the teacher’s daughter – who lived outside the P.S. 203 school zone – to register at P.S. 203 by using the parent coordinator’s home address within the school’s zone boundaries. The teacher admitted to falsely claiming to reside at the parent coordinator’s home so that she could avoid the DOE’s student enrollment procedures, which would have required her to obtain written authorization from the DOE Office of Student Enrollment and Planning Operations to enroll her daughter in P.S. 203. The P.S. 203 principal admitted to instructing her school’s pupil accounting secretary to use the parent

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<sup>5</sup> City Charter § 2604(b)(2) states: “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)(3) states: “No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.”

coordinator's home address to register the student. The parent coordinator admitted to consenting to the scheme. The teacher paid a \$2,250 fine to the Board for her admitted violations of the provision of the City's conflicts of interest law that prohibits public servants from using their position as a public servant to obtain any privilege or other private or personal advantage, direct or indirect, for the public servant or any person associated with the public servant. The principal and parent coordinator each paid a \$1,500 fine to the Board for their admitted violations of the City's conflicts of interest law provision that prohibits public servants from aiding another public servant's violation of that law. *COIB v. Angelidakis*, COIB Case No. 2010-234a (2010); *COIB v. Halpern*, COIB Case No. 2010-234b (2010); *COIB v. Nussbaum*, COIB Case No. 2010-234c (2010).

- (53) The Board issued a public warning letter to a New York City Department of Education ("DOE") Associate School Food Manager who asked her subordinate to distribute her daughter's resume to several DOE schools at which her subordinate worked. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City's conflicts of interest law prohibits public servants from using their position to benefit any person or firm "associated" with them within the meaning of Chapter 68, including their children. *COIB v. Roros*, COIB Case No. 2010-124 (2010).
- (54) The Board fined the former Senior Deputy Director for Infrastructure Technology in the Information Technology Division at the New York City Housing Authority ("NYCHA") \$20,000 for his multiple violations of the City's conflicts of interest law related to his work at his restaurant, 17 Murray. The former Senior Deputy Director acknowledged that, in October 2005, he sought an opinion from the Board as to whether, in light of his position at NYCHA, he could acquire a 50% ownership interest in the restaurant 17 Murray. The Board advised him, in writing, that he could own the restaurant, provided that, among other things, he not use any City time or resources related to the restaurant, he not use his City position to benefit the restaurant, and he not appear before any City agency on behalf of the restaurant. Despite these specific written instructions from the Board, the former Senior Deputy Director proceeded to engage in the prohibited conduct. The former Senior Deputy Director admitted that, among his violations, from at least August 2006 through June 2009, he used his NYCHA subordinate, a Data Technician, to perform work on a regular basis at the restaurant without compensation. He further admitted that he caused his subordinate to use his NYCHA computer, e-mail account, and Blackberry to perform work related to the restaurant, at times the subordinate was required to be working for the City. The former Senior Deputy Director acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or a person or firm with which he is associated and prohibits a public servants from soliciting, requesting, commanding, aiding, inducing, or causing another public servant to violate the City's conflicts of interest law. The former Senior Deputy Director also acknowledged that he had resigned from NYCHA while disciplinary proceedings were pending against him for this misconduct. *COIB v. Fischetti*, COIB Case No. 2010-035 (2010).
- (55) The Board fined a former Supervisor of Caretakers at the Sheepshead/Nostrand Houses of the New York City Housing Authority ("NYCHA") \$6,000 for lending money to at least two Caretakers he supervised at an approximately 30% interest rate. The former Supervisor of

Caretakers acknowledged that, from at least January 2007 through February 2009, he loaned to at least two Caretakers he supervised money in cash that he required to be paid back, in cash, plus approximately 30% interest, by the next payday. If the Caretaker did not pay the Supervisor back the following payday, the Supervisor would require payment of double the amount owed. The Supervisor of Caretakers acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using his City position to benefit himself or a person or firm with which he is associated and prohibits a public servant from entering into a financial relationship with a superior or subordinate public servant. In addition to the Board fine, for this misconduct the former Supervisor of Caretakers also pled guilty to one count of Criminal Usury in the Second Degree, a Class E Felony, and was sentenced to five years probation. *COIB v. D. Mitchell*, COIB Case No. 2008-397 (2010).

(56) The Board issued a public warning letter to a New York City Department of Education ("DOE") Principal for approving her daughter's request to serve as an uncompensated Teacher Intern at her school (*i.e.*, to student teach). The Principal's daughter was working toward a Master's Degree in Childhood Education and needed to complete a teacher-internship position to satisfy a requirement for this coursework. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City's conflicts of interest law prohibits public servants from using their City positions to advantage their children in their agency's intern selection process, even if the internship position is unpaid. *COIB v. Bairan*, COIB Case No. 2009-748 (2010).

(57) The Board concluded a settlement with a New York City Department of Housing Preservation and Development ("HPD") Project Manager who was fined \$2,000 for using his HPD position to communicate with several HPD employees on behalf of a cooperative building, of which he is a shareholder, while he was the President of the co-op's Board of Directors. The Project Manager acknowledged that, in 1995, he purchased an apartment he had been renting after the tenants in his building formed a housing development fund corporation (the "Cooperative") and purchased the building from New York City via HPD's Tenant Interim Lease ("TIL"). A prerequisite for the purchase under TIL was that the Cooperative sign a mortgage and security agreement requiring that, for a period of 25 years, 40% of the profits of any sale of apartments by the Cooperative be remitted to the City. The Project Manager acknowledged that, from July 2007 through August 2009, he served as the President of the Cooperative and in that capacity contacted several HPD employees on behalf of the Cooperative during business hours about getting the Cooperative out of paying HPD 40% of the profits on the unit sales. In Advisory Opinion No. 92-7, the Board advised that membership on the co-op board of directors is not, standing alone, a conflict of interest, even where the cooperative has business dealings with the City, "provided that the public servant does not directly or indirectly communicate with his or her own agency on behalf of the corporation." The Project Manager acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. L. Jones*, COIB Case No. 2008-602 (2010).

- (58) The Board fined a Supervisor at the New York City Department of Sanitation (“DSNY”) \$2,250 for using his DSNY position to enlist two of his DSNY subordinates, both Sanitation Workers, to chauffeur his girlfriend and his aunt. The Supervisor acknowledged that, in addition to his DSNY job, he is also the sole owner and employee of a limousine business. Approximately six times over the course of a year, the Supervisor asked two subordinate Sanitation Workers to drive a limousine for him, which would entail the subordinate driving his personal vehicle from Brooklyn to the Supervisor’s home or his girlfriend’s home in Long Island to pick up the limousine; drive the Supervisor’s girlfriend or his aunt to LaGuardia Airport, JFK Airport, or the theater in Manhattan; return the limousine to where it had been picked up in Long Island; and then drive his personal vehicle back to his home in Brooklyn, all on the subordinate’s own time. For all this, the Supervisor would give his subordinate \$20 or \$25 for “lunch”; he did not reimburse his subordinate for gas or pay him for his time driving back and forth between various points in New York City and Long Island. The Supervisor acknowledged that his conduct violated the City’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Kayola*, COIB Case No. 2010-491 (2010).
- (59) The Board issued a public warning letter to a Music Teacher at the New York City Department of Education (“DOE”) for accepting compensation from the parent of a student in her class for private music lessons for the student. The Board issued the public warning letter after receiving evidence that the Music Teacher refunded the parent of the student all of the monies the parent paid her for the lessons. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 prohibits a public servant from having a financial relationship with the parents of students in his or her class because it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Danziger*, COIB Case No. 2010-248 (2010).
- (60) The Board fined a former Telecommunications and Vehicle Coordinator for the New York City Housing Authority (“NYCHA”) \$900 for soliciting and obtaining loans totaling \$300 from two superiors. The former Telecommunications and Vehicle Coordinator also acknowledged that he misappropriated \$503 from NYCHA’s petty cash fund by altering the dollar amount on two vouchers and receipts that were submitted for reimbursement and keeping not only the difference between the correct amount and the altered amount (\$110) but also the \$393 he should have reimbursed to the NYCHA employee. The former Telecommunications and Vehicle Coordinator admitted that he violated the City’s conflicts of interest law, which: (a) prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant; (b) prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant; and (c) prohibits a public servant from using City resources, such as City money, for any non-City purpose. In setting the amount of the fine, the Board took into consideration the former Telecommunications and Vehicle Coordinator’s financial hardship

and that he had been suspended for 30 days without pay by NYCHA, valued at \$3,890. *COIB v. Chabot*, COIB Case No. 2010-067 (2010).

- (61) The Board and New York City Department of Education (“DOE”) concluded a three-way settlement with a DOE Assistant Principal who was fined \$2,400 by the Board for, when he was employed as a Principal, directly supervising his brother, the school’s Dean of Discipline, for over four years. The Assistant Principal acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. S. Holder*, COIB Case No. 2009-466 (2010).
- (62) The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement with a NYCHA Supervisor of Plasterers who was fined \$1,750 by the Board for misusing his City position to obtain a personal benefit for himself. The Supervisor acknowledged that he obtained the unpaid assistance of a subordinate who drove to the Supervisor’s home, measured the kitchen floor, and accompanied the Supervisor’s son to purchase tile, which tile the subordinate helped to install in the Supervisor’s kitchen. The Supervisor acknowledged that his conduct violated the City conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. N. Romano*, COIB Case No. 2009-686 (2010).
- (63) In a three-way disposition with the Board and the New York City Department of Health and Mental Hygiene (“DOHMH”), a Caseworker in the DOHMH Bureau of Correctional Health Services agreed to pay fine equivalent to seven days’ pay, valued at \$1,083, to DOHMH for using her City position to benefit her sister by facilitating the temporary release of her sister’s incarcerated son. In connection with her official DOHMH duties, the Caseworker has access to the administrative and inmate facilities on Rikers Island. The Caseworker admitted to using that access to visit Rikers Island on two occasions when she was not otherwise scheduled to be there for the purpose of expediting the temporary release of her sister’s son, who wished to attend a funeral, from Rikers Island; she admitted to speaking to Department of Correction staff to coordinate these arrangements and to identifying herself as a DOHMH employee in these conversations. The Caseworker acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any individual or firm “associated” with the public servant, which would include the public servant’s sister. *COIB v. L. Simmons*, COIB Case No. 2010-097 (2010).
- (64) The Board and the New York City Department of Homeless Services (“DHS”) concluded a three-way settlement with a DHS Special Officer who was suspended by DHS for thirty days without pay, which has the approximate value of \$4,884, for soliciting and obtaining

personal loans from several of his subordinates. The Special Officer admitted that, in 2008, he solicited and obtained loans ranging from \$25 to \$100 from six of his subordinates. The Special Officer acknowledged that he also solicited loans from two other subordinates, who refused to provide him with a loan. The Special Officer admitted that he violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Jul. Williams*, COIB Case No. 2009-813 (2010).

- (65) The Board fined a former Administrative Law Judge ("ALJ") in the Parking Violations Bureau of the New York City Department of Finance \$2,500 for accepting a prohibited gratuity and for misusing his City position for personal advantage, both while adjudicating parking tickets. The former ALJ admitted that, after adjudicating a delivery driver's multiple parking tickets, he accepted the driver's offer to send him free popcorn as a show of appreciation for dismissing some of the tickets. The former ALJ admitted telling the driver that he liked the popcorn that was named on invoices the driver had submitted to contest the parking tickets and then gave the driver his address so the popcorn could be delivered to his home. The former ALJ acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from accepting any gratuity from any person whose interests may be affected by the public servant's official action. The former ALJ also admitted that he had called and asked the owner of an audio-video installation company who repeatedly appeared before the then-ALJ at the Parking Violations Bureau to install a flat-screen television and DVD player in his home. Although the former ALJ paid for the installation, he acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from misusing their City positions for personal and private benefit. *COIB v. A. Rubin*, COIB Case No. 2009-398 (2010).
- (66) The Board issued a public warning letter to a New York City Department of Citywide Administrative Services ("DCAS") Procurement Analyst in DCAS's Division of Municipal Supply Services ("DMSS") for soliciting and accepting contributions from 16 different food vendors with which DMSS contracted on a regular basis. DMSS is the Division in DCAS responsible for purchasing food products for City agencies. As part of her duties at DCAS, the DMSS Procurement Analyst dealt directly with these food vendors to make purchases of food products for City agencies. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 prohibits public servants from soliciting or accepting contributions for personal workplace events, such as a retirement party, from vendors who contract with their City agencies. Vendors may be invited to these personal workplace events *only if* they pay no more for their attendance than their share of the cost of the event. *COIB v. Fezzuoglio*, COIB Case No. 2009-487 (2010)
- (67) The Board fined a former New York City Human Resources Administration ("HRA") Caseworker \$7,500 for having a second job with a firm that had business dealings with the City, including his own agency, and for acting on behalf of that firm as a real estate broker

for several HRA clients, including two HRA clients for whom he was the assigned caseworker. The Caseworker admitted that he received a commission from the firm for the apartments he obtained for the HRA clients. The Caseworker acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from having an interest in a firm which such public servant knows, or should know, is engaged in business dealings with the agency served by that public servant and from using or attempting to use his or her City position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with him or her. *COIB v. Roberts*, COIB Case No. 2009-403 (2010).

(68) The Board and the New York City Housing Authority ("NYCHA") concluded a three-way settlement with a NYCHA Secretary, assigned to the Betances Houses, who was suspended by NYCHA for five days without pay, valued at \$612, for opening a NYCHA business account with the Oriental Trading Company for her personal use. The Secretary acknowledged that, in 2007, she opened a business account with the Oriental Trading Company by providing the company with NYCHA's name as the account holder and listing herself as the only person authorized to make purchases under that account. The Secretary also acknowledged that she used the address for NYCHA's Betances Houses Management Office as both the shipping and billing addresses for that account. By opening a business account with Oriental Trading Company, the Secretary received a thirty-day grace period on payments for purchases made on the account, which grace period was not provided to non-business accounts. The Secretary acknowledged that she violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her City position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and from using City resources for any non-City purpose. *COIB v. Aponte*, COIB Case No. 2009-486 (2010).

(69) The Board imposed a \$7,500 fine on a former Community Coordinator for the New York City Administration for Children's Services ("ACS") for using her ACS computer and email account to do outside legal work—despite not being a licensed attorney—and misleading non-City government agencies and offices to believe that she was acting on behalf ACS in her private clients' U.S. immigration matters in which ACS had no official involvement or interest. The former ACS Community Coordinator admitted using her ACS email account to request that the office of a country's diplomatic mission expedite an individual's U.S. visa application and to send a similar email, wherein she falsely identified herself as both an attorney and ACS Child Protective Specialist acting on behalf of a U.S. visa applicant. ACS had no involvement or interest in either visa application. The former Community Coordinator further admitted sending another email from her ACS account, in which she asked an Assistant Chief of Counsel for the enforcement division of a non-City government agency about the status of another private client's legal matter that was pending before a tribunal of that agency. The former Community Coordinator acknowledged that she attempted to use her ACS position to give her private client an advantage in the U.S. visa application process, in violation of the City's conflicts of interest law prohibition on public servants using or attempting to use their City positions to obtain an advantage for any person associated with the public servant, which includes a private client. She further acknowledged

that her above-described use of her ACS email account and computer violated the conflicts of interest law prohibition on using City resources for non-City purposes. The Board imposed a \$7,500 fine on the former Community Coordinator for her violations. However, after taking her current financial hardship into consideration, the Board agreed to forgive the total amount of the fine unless and until she becomes employed. *COIB v. Tieku*, COIB Case No. 2009-009 (2010).

- (70) In a joint settlement with the Board and the New York City Department of Sanitation (“DSNY”), a DSNY Sanitation Worker was suspended for six days without pay, valued at \$1,567.02, for, while in the course of conducting his official DSNY duties, taking his Sanitation truck off his assigned route to salt the driveway and sidewalk in front of his personal residence. The Sanitation Worker acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and prohibits a public servant from using City resources – such as a City vehicle or City equipment – for any non-City purpose. *COIB v. Eliopoulos*, COIB Case No. 2010-212 (2010).
- (71) The Board fined a former Principal for the New York City Department of Education \$3,000 for supervising his live-in girlfriend, the Assistant Principal at his school, for one year and eight months. The former Principal acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into a financial relationship – such as cohabitation – with one’s superior or subordinate and from using or attempting to use one’s City position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. By living with the Assistant Principal, the former Principal was “associated” with her within the meaning of the City’s conflicts of interest law. *COIB v. Piazza*, COIB Case No. 2010-077 (2010).
- (72) In August 2009, the Board fined a former New York City Department of Education Assistant Supervisor of School Aides \$2,500 for using her school’s tax exempt identification number to open four personal cellular phone accounts over an eight-year period. The former Assistant Supervisor of School Aides acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. Between August and October 2009, the former Assistant Supervisor of School Aides paid \$500 of the \$2,500 fine. In April 2010, the Board forgave the \$2,000 balance of the fine based on the former Assistant Supervisor of School Aides’ documented financial hardship, including her receipt of public assistance and an outstanding balance on her rent. *COIB v. Cora*, COIB Case No. 2008-872 (2010).
- (73) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a Public Health Epidemiologist in the DOHMH Bureau of Informatics and Development, who admitted that, at times when she was

supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account in an amount substantially in excess of the *de minimis* amount permitted by the City of New York's Policy on Limited Personal Use of City Office and Technology Resources (also known as the "Acceptable Use Policy") to complete research and assignments related to a university degree. The Public Health Epidemiologist acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Public Health Epidemiologist further admitted that the New York State Department of Health ("NYSDOH") assigned her a password to access a confidential database maintained by NYSDOH, that she was assigned that password for her sole use in connection with her official DOHMH duties, and that she had used that password to gather information for assignments related to her university degree. While the Public Health Epidemiologist did not use or disclose any of the highly confidential patient information on the NYSDOH database, she used information that was not available to the general public for her own personal purposes. The Public Health Epidemiologist acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant. For this misconduct, the Public Health Epidemiologist agreed to pay a \$1,000 fine to the Board, be suspended by DOHMH without pay for five days, valued at approximately \$1,047.55, and forfeit five days of annual leave, valued at approximately \$1,047.55. *COIB v. S. Wright*, COIB Case No. 2009-646 (2010).

- (74) The Board and New York City Department of Education ("DOE") concluded a three-way settlement with a DOE teacher who paid a \$1,250 fine to the Board for using her position to obtain a New York City Department of Transportation ("DOT") parking permit and allowing her husband to use an altered copy of the parking permit to avoid receiving a parking ticket for parking illegally near a school. The teacher acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant and from using City resources for any non-City purpose. *COIB v. Velez Rivera*, COIB Case No. 2009-542 (2010).
- (75) The Board issued a public warning letter to a Deputy Commissioner for the New York City Department of Environmental Protection ("DEP") for using his position to help his daughter obtain special consideration in the DEP internship hiring process. Sometime before the summer of 2006, the Deputy Commissioner of the DEP Bureau of Customer Services submitted his daughter's resume to the DEP Bureau of Human Resources & Administration for consideration for a paid student internship position at DEP. As a result, his daughter obtained an internship with the DEP Office of the Agency Chief Contracting Officer. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City's conflicts of interest law prohibits them from having any involvement in their agency's hiring process with respect to their children or any other person who is associated with them, such as a spouse, sibling, or parent. *COIB v. Singleton*, COIB Case No. 2009-294 (2010).

- (76) The Board fined the former Chief of Staff for a New York City Council Member \$2,500 for directly supervising his daughter, a Councilmanic Aide, during her five-and-one-half years of employment in the Council Member's District Office. The former Chief of Staff admitted that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which includes the public servant's child. *COIB v. A. Reid*, COIB Case No. 2008-246 (2010).
- (77) The Board fined a Nursing Supervisor for the New York City Department of Education ("DOE") \$1,250 who acknowledged that she told a DOE Principal that she had a "friend" – in fact, her son – who was available to fill a substitute paraprofessional position at the Principal's school. At the Principal's suggestion, the Nursing Supervisor then spoke to the School Secretary, after which her son was told to report to work at the school. The Nursing Supervisor admitted that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which includes the public servant's child. *COIB v. Robinson*, COIB Case No. 2009-600 (2010).
- (78) The Board fined a former Director of Construction at the New York City Department of Sanitation ("DSNY") \$6,000 for: (a) asking a DSNY subordinate to perform personal tasks for him, including driving him to the hospital to visit a patient; (b) asking a lower-ranking DSNY employee who was also certified as an Asbestos Investigator to certify that his home was asbestos-free on a notification form mandated by the Department of Buildings in order for the Director of Construction to remodel his home; and (c) obtaining two summer jobs for his son with firms having DSNY business dealings for which he was Director of Construction. The former Director of Construction admitted that in so doing he violated the City's conflicts of interest law, which prohibits the use of City resources – which includes City personnel – for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, including a child. *COIB v. Holchendler*, COIB Case No. 2007-635 (2010).
- (79) The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a DOE teacher who was fined \$3,500 by DOE for using her school's BJ's Wholesale Club membership, which was obtained using the school's tax identification number and was to be used only for City purposes, to make personal, tax-free purchases. The teacher acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as the agency's tax-exempt identification number, for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public

servant or any person or firm associated with the public servant. *COIB v. Cohen-Brown*, COIB Case No. 2009-053a (2010).

- (80) The Board fined a former Custodian for the New York City Department of Education (“DOE”) \$5,000 for directing a subordinate to paint his private residence, paint his boat, and make repairs to two of his vehicles. The former DOE Custodian acknowledged that he did not compensate that subordinate for his work. The former DOE Custodian admitted that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. In setting the amount of the fine, the Board took into consideration that, for the same conduct, the former Custodian had been suspended by DOE for thirty days without pay, valued at approximately \$6,747. *COIB v. Dziekanowski*, COIB Case No. 2007-155 (2010).
- (81) The Board fined a former Supervisor of Child Care at the New York City Administration for Children’s Services (“ACS”) \$500 for his multiple violations of the City’s conflicts of interest law, a fine that was reduced from \$3,000 because of the Supervisor’s demonstrated financial hardship. First, the former Supervisor of Child Care admitted that he requested and received a loan from a temporary employee who was working at ACS as a Children’s Counselor under his direct supervision. The Children’s Counselor made the loan by purchasing a laptop computer on behalf of the Supervisor using her personal credit card, which loan the Supervisor repaid over the next eight months. The former Supervisor of Child Care acknowledged that he thereby violated the City’s conflicts of interest law, which prohibits a public servant from using his City position for private financial gain. Second, the former Supervisor of Child Care admitted that he stored on his ACS computer a copy of a book that he intended to sell for a profit. The former Supervisor acknowledged that he thereby violated the City’s conflicts of interest law, which prohibits a public servant from using City resources, such as a computer, for any non-City purpose, in particular for any private business or secondary employment. Third, the former Supervisor of Child Care admitted that he had solicited the sale and sold a copy of that book to at least one Children’s Counselor who was his subordinate. The former Supervisor acknowledged that he thereby violated the City’s conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the superior or subordinate of that public servant. In Advisory Opinion No. 98-12, the Board stated that, while public servants may sell items, such as a book, to their peers, the sale of any item by a superior to a subordinate is prohibited by Chapter 68. *COIB v. Avinger*, COIB Case No. 2009-312 (2010).
- (82) The Board and the New York City Department of Parks & Recreation (“Parks”) concluded a joint settlement with a Parks Recreation Center Manager who paid a \$2,500 fine to the Board for using a Parks vehicle and personnel to facilitate his vacation plans and for using his Parks computer to sell merchandise on eBay. The Recreation Center Manager admitted that, in August 2007, he misused his City position when he had two subordinate Parks Recreation Playground Associates use a Parks vehicle to follow him to the Brooklyn Cruise Terminal to ensure that he was able to depart on his personal vacation if his car were to break down on the way to the terminal. After leaving on the cruise, the Playground

Associates took the Manager's car back to his home in the Bronx. In addition, the Manager admitted that he used his Parks computer to sell athletic shoes and action figures for profit on eBay.com, occasionally during his Parks work day. The Recreation Center Manager acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-City purposes and from using one's City position to obtain any personal financial gain. *COIB v. Rosa*, COIB Case No. 2009-062 (2010).

- (83) The Board issued a public warning letter to a New York City Department of Education ("DOE") teacher for acting in conflict with the proper discharge of his official duties by soliciting sales and selling copies of a book to students in his class. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from developing a financial relationship with the clients of their agency, whether or not there is a benefit to the public servant. *COIB v. Arizmendi*, COIB Case No. 2009-513 (2010).

### **USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION**

- **Relevant Charter Sections:** City Charter § 2604(b)(4)<sup>6</sup>

- (84) The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with a Clerical Associate who agreed to pay HRA a fine equivalent to 20 days' pay, valued at \$2,490, for accessing the Welfare Management System ("WMS") to view the public assistance records of her daughter and granddaughter for her personal use. The Clerical Associate acknowledged that, from March 2009 through February 2010, without authorization from HRA, she accessed her daughter's and granddaughter's public assistance records on WMS on 18 occasions to ascertain how much her daughter could contribute for rent and household expenses since her daughter and granddaughter were living with the Clerical Associate in her apartment at the time. The Clerical Associate admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her. *COIB v. Woods*, COIB Case No. 2010-296 (2010).

- (85) The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with an Eligibility Specialist who agreed to irrevocably resign from HRA and to not seek future employment with the City for accessing the Welfare Management System ("WMS") to view, for her personal use, the public assistance records of the mother of her husband's child and the mother's other children. The Eligibility Specialist

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<sup>6</sup> City Charter § 2604(b)(4) states: "No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest."

acknowledged that, from February 2008 through March 2009, without authorization from HRA, she accessed WMS on approximately ninety occasions to obtain confidential information concerning the mother of her husband's child, who was an HRA client, and the client's other children to ascertain when the mother was scheduled for an appointment at the HRA center where the Eligibility Specialist was assigned, in an effort to protect herself since they had an ongoing family dispute. The Eligibility Specialist admitted that her conduct violated the City's conflicts of interest law, which prohibits a City employee from using confidential information obtained as a result of their official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with him or her. *COIB v. G. Mendez*, COIB Case No. 2010-338 (2010).

- (86) The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with an HRA Associate Job Opportunity Specialist who was suspended by HRA for 10 calendar days without pay, valued at approximately \$1,161, for disclosing confidential City information. The Associate Job Opportunity Specialist admitted disclosing to her daughter and son-in-law that the records in the Welfare Management System ("WMS") indicated that her son-in-law was working at that time. HRA had authorized the Associate Job Opportunity Specialist to use WMS, a database containing confidential public assistance records, to perform her official HRA duties only. HRA policy prohibits its staff from accessing, reviewing, or working on case records pertaining to relatives. The Associate Job Opportunity Specialist acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from disclosing confidential information obtained as a result of his or her official duties for any unauthorized purpose. *COIB v. Griffen-Cruz*, COIB Case No. 2010-345 (2010).
- (87) The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with an Assistant Public Health Advisor in the DOHMH Bureau of STD Prevention and Control who, at the request of her close friend, accessed the confidential patient records of her friend's daughter, who had recently been seen at a DOHMH STD clinic, and then disclosed those records to her friend. The Assistant Public Health Advisor acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant *either* from *disclosing* confidential information obtained as a result of the public servant's official duties *or* from *using* for any financial or other private interest such confidential information, regardless of whether the public servant also disclosed the confidential information. For this misconduct, the Assistant Public Health Advisor agreed to (a) be suspended for 19 work days, valued at \$2,371; (b) resign from DOHMH effective July 15, 2010; and (c) not seek future employment with DOHMH ever or with the City for five years from the date of the disposition. *COIB v. Oates*, COIB Case No. 2010-432 (2010).
- (88) The Board concluded a settlement with a Secretary for the New York City Human Resources Administration ("HRA") who repeatedly accessed confidential City information to advance her private interest in knowing where her grandchildren stayed on the weekends. The HRA Secretary admitted using the Welfare Management System ("WMS") to view an individual's public assistance records 58 times to attempt to ascertain where her grandchildren were staying during their weekends with their father. HRA had authorized the

Secretary to access WMS, a confidential database containing public assistance records, to perform her official HRA duties only. Public assistance records and the information contained therein, which includes recipients' addresses, are confidential and not otherwise available to the public. The Secretary acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the public servant or any person or firm associated with the public servant. HRA had previously brought related disciplinary charges against the Secretary. In settlement of those charges, the Secretary accepted a ten-day pay fine, valued at approximately \$1,357. The Board took the HRA penalty into consideration in deciding not to impose an additional fine. *COIB v. Ingram*, COIB Case No. 2009-265 (2010).

(89) The Board fined a former Child Protective Specialist at the New York City Administration for Children's Services ("ACS") \$1,500 for using her ACS position to access information in ACS's confidential CONNECTIONS database. The former Child Protective Specialist acknowledged that she obtained confidential information in CONNECTIONS about her nephew, which information was not available to the public. The former Child Protective Specialist acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a City employee from using her position to benefit herself and from using confidential information obtained as a result of her official duties to advance any direct or indirect private interest of herself or any person or firm associated with her. For this misconduct, the Board imposed a \$1,500 fine, but forgave this fine upon the Child Protective Specialist's showing of financial hardship, including her current unemployment, application for and receipt of public assistance, outstanding balance on her rent, and lack of any assets with which to pay her fine. *COIB v. Colbert*, COIB Case No. 2007-695 (2010).

(90) The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with a Clerical Associate who was suspended by HRA for twenty days without pay, valued at \$2,714, for accessing the Welfare Management System ("WMS") to view her brother's and niece's public assistance records for the Clerical Associate's personal use. WMS is a system maintained by the New York State Office of Temporary and Disability Assistance ("OTDA") containing confidential information about all persons who have applied for or have been determined to be eligible for benefits under any program for which OTDA has supervisory responsibility. The Clerical Associate acknowledged that, from August 27, 2007, through September 3, 2008, without authorization from HRA, she accessed WMS on twenty-six occasions to obtain confidential information about when her brother would receive his shelter benefits since her brother lived with her and paid her rent in the amount of \$215.00 per month. The Clerical Associate further acknowledged that, from January 8 through June 16, 2008, without authorization from HRA, she accessed WMS on five occasions to obtain confidential information concerning the status of her niece's pending application for public assistance benefits since she was her niece's legal guardian and would be the payee for her niece's public assistance benefits. The Clerical Associate admitted that her conduct violated the City's conflicts of interest law, which prohibits City employees from using confidential information obtained as a result of their official duties to advance any direct or indirect financial or other private interest of the

City employee or any person associated with the employee or disclosing such information for any purpose. *COIB v. M. Williams*, COIB Case No. 2009-852 (2010).

(91) The Board concluded a settlement with a Supervisor I for the New York City Human Resources Administration (“HRA”) who used her HRA position to obtain confidential information about a potential private tenant. The HRA Supervisor I admitted that HRA authorized her access to the Welfare Management System (“WMS”), a confidential database containing public assistance records, to perform her official HRA duties only. The Supervisor I further admitted that prior to leasing an apartment she owns she used WMS to access a potential tenant’s public assistant records on four occasions. The Supervisor I acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the public servant or any person or firm associated with the public servant. HRA had previously brought related disciplinary charges against the Supervisor I, and, in settlement of the agency matter, the Supervisor I accepted a fifteen-day pay fine to be apportioned into a six-day pay fine, valued at approximately \$1,144 (which had already been paid to HRA), plus a nine-day pay fine that HRA will hold in abeyance and implement only if the supervisor engages in similar misconduct within the year. The Board took the HRA penalty into consideration in deciding not to impose an additional fine. *COIB v. Paulk*, COIB Case No. 2009-204 (2010).

## **GIFTS**

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)<sup>7</sup>

(92) The Board fined the Chief Medical Officer of MetroPlus, a subsidiary of the New York City Health and Hospital Corporation (“HHC”), \$1,000 for accepting a gift of free airfare and hotel accommodations to a February 2008 conference held in Grenada from a foreign medical school located in Grenada. The foreign medical school has contracted since 1977 with multiple HHC facilities to provide placement for the school’s students in HHC’s clinical clerkship programs. The Chief Medical Officer acknowledged that he was aware of its business dealings with HHC at

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<sup>7</sup> City Charter § 2604(b)(5) states: “No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.”

Board Rules § 1-01(a) defines “valuable gift” to mean “any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. Two or more gifts to a public servant shall be deemed to be a single gift for the purposes of this subdivision and Charter § 2604(b)(5) if they are given to the public servant within a twelve-month period under one or more of the following circumstances (1) they are given by the same person; and/or (2) they are given by persons who the public servant knows or should have know are (i) relatives or domestic partners of one another; or (ii) are directors, trustees, or employees of the same firm or affiliated firm.”

the time that he accepted the gift from the school. The Chief Medical Officer acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting a valuable gift – defined by Board Rules as anything which has a value of \$50.00 or more, whether it be in the form of money, travel, entertainment, hospitality, object, or any other form – from a firm doing business with the City. *COIB v. Dunn*, COIB Case No. 2008-648a (2010).

### **APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST**

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(6)<sup>8</sup>

(93) The Board concluded a settlement with a Technical Inspector for the New York City School Construction Authority (“SCA”) who paid a \$1,500 fine to the Board for obtaining work permits for his private clients from the New York City Department of Buildings. In a public disposition, the SCA Technical Inspector admitted to appearing before the Department of Buildings by filing fifteen PW2 Work Permit applications in connection with his private plumbing business. Five of the work permit applications were filed after the Technical Inspector was informed by the Board’s counsel that applying for those exact types of work permits would violate the City’s conflicts of interest law. The Technical Inspector acknowledged that he violated the City’s conflicts of interest law, which prohibits public servants from appearing on behalf of private interests in matters involving the City. *COIB v. Crispiano*, COIB Case No. 2010-014 (2010).

(94) The Board fined the former Senior Deputy Director for Infrastructure Technology in the Information Technology Division at the New York City Housing Authority (“NYCHA”) \$20,000 for his multiple violations of the City’s conflicts of interest law related to his work at his restaurant, 17 Murray. The former Senior Deputy Director acknowledged that, in October 2005, he sought an opinion from the Board as to whether, in light of his position at NYCHA, he could acquire a 50% ownership interest in the restaurant 17 Murray. The Board advised him, in writing, that he could own the restaurant, provided that, among other things, he not use any City time or resources related to the restaurant, he not use his City position to benefit the restaurant, and he not appear before any City agency on behalf of the restaurant. Despite these specific written instructions from the Board, the former Senior Deputy Director proceeded to engage in the prohibited conduct. The former Senior Deputy Director admitted that, among his violations, in July 2006, he e-mailed an Assistant Commissioner in the Mayor’s Office of Community Assistance to seek assistance with “problems” he was having with the Department of Health at his restaurant. He further admitted that, in September 2009, when he was required to be working at NYCHA, he met with a Public Health Sanitarian from the New York City Department of Health

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<sup>8</sup> City Charter § 2604(b)(2) states: “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)(6) states: “No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.”

and Mental Hygiene concerning a surprise inspection at the restaurant. The former Senior Deputy Director acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from appearing – which includes both in-person appearances and communications via phone, e-mail, or letter – for compensation on behalf a private interest before any City agency. The former Senior Deputy Director also acknowledged that he had resigned from NYCHA while disciplinary proceedings were pending against him for this misconduct. *COIB v. Fischetti*, COIB Case No. 2010-035 (2010).

- (95) The Board concluded a settlement with a former New York City Department of Education (“DOE”) Occupational Therapist who admitted that she owned a firm that provided therapy to DOE students and that she appeared before DOE on behalf of her firm each time she requested payment from DOE for those services. The former Occupational Therapist further admitted that she had an ownership interest within the meaning of Chapter 68 in her husband's firm, which firm also provided physical and occupational therapy to pre-school aged children for which services it was paid by DOE. The former Occupational Therapist acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows is engaged in business dealings with the agency served by the public servant and prohibits a public servant from, for compensation, representing a private interest before any City agency or appearing directly or indirectly on behalf of a private interest in matters involving the City. DOE had previously terminated the Occupational Therapist for this conduct. The Board took the DOE penalty into consideration in deciding not to impose a fine. *COIB v. Bollera*, COIB Case No. 2010-446 (2010).
- (96) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with an Associate Staff Analyst in which the Associate Staff Analyst agreed to be suspended for 22 work days, valued at \$6,005.34; forfeit 136 hours of annual leave, valued at \$5,303.48; resign from DOHMH; and never seek City employment in the future for her multiple violations of the City's conflicts of interest law. Among her violations, the Associate Staff Analyst acknowledged that she communicated with DOHMH on behalf of a not-for-profit organization prior to and during her tenure as its Executive Director and represented the not-for-profit before City agencies, including DOHMH. Specifically, on behalf of the not-for-profit organization she repeatedly contacted and submitted documents to DOHMH, the City Council, the Department of Youth and Community Development, and DOHMH affiliate, Medical Health Research Association. The Associate Staff Analyst admitted that in doing so she violated the City's conflicts of interest law, which prohibits a public servant from receiving compensation for representing private interests before any City agency or appearing on behalf of private interests in matters involving the City. *COIB v. M. John*, COIB Case No. 2008-756 (2010).
- (97) The Board issued public warning letters to two Firefighters for the New York City Fire Department for owning a private firm that engaged in business dealings with the New York City School Construction Authority (“SCA”) by working as a subcontractor of an SCA project *and* for appearing before SCA in furtherance of their firm's work on the current SCA project and similar future projects. The Firefighters did not seek an order from the Board allowing them to hold their prohibited interests in the firm until after the firm began work on the SCA project. While not pursuing further enforcement action, the Board took the opportunity of these public warning

letters to remind public servants that Chapter 68 prohibits public servants from holding ownership interests in firms engaged in business dealings with the City. Furthermore, where application of the factors identified in Advisory Opinion No. 99-2 so indicates, a firm may be engaged in business dealings with the City within the meaning of Chapter 68 as a subcontractor even if the firm has neither sought nor secured a prime contract from the City. Nonetheless, under certain circumstances, the Board may determine that an otherwise prohibited interest would not conflict with the proper discharge of a public servant's official duties and allow the public servant to retain the interest. *COIB v. Clingo*, COIB Case No. 2008-821 (2010); *COIB v. McGinty*, COIB Case No. 2008-821a (2010).

### **POLITICAL FUNDRAISING BY HIGH-LEVEL CITY OFFICIALS**

- **Relevant Charter Sections:** City Charter § 2604(b)(12)<sup>9</sup>

(98) The Board fined a former Deputy Chief of Staff to the City Council Speaker \$2,500 for soliciting contributions to the Speaker's re-election campaign. The Deputy Chief of Staff to the Council Speaker is an individual with "substantial policy discretion" within the meaning of Chapter 68 of the City Charter, the City's conflicts of interest law. Deputy mayors, agency heads, and other public servants with "substantial policy discretion" are prohibited by the City's conflicts of interest law from asking anyone to make a political contribution for any candidate for City elective office (such as City Council) or for any elected official of the City (such as a City Council Member) who is a candidate for any elective office. (This prohibition does not apply to solicitations made by elected officials themselves.) In or around April 2007, the former Deputy Chief of Staff made between six and twelve calls to union representatives to ask that they serve on the Host Committee for an event planned for labor unions as part of the Council Speaker's re-election campaign. Serving on the Host Committee would have required a contribution to the re-election campaign of the Council Speaker. The former Deputy Chief of Staff acknowledged that she violated the City's conflicts of interest law, which prohibits an individual with substantial policy discretion, such as she was at the time, from making such solicitations on behalf of a City elected official or on behalf of a candidate for City elective office. *COIB v. Keaney*, COIB Case No. 2009-600 (2010).

### **ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY**

- **Relevant Charter Sections:** City Charter § 2604(b)(13)<sup>10</sup>

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<sup>9</sup> City Charter § 2604(b)(12) states: "No public servant, other than an elected official, who is a deputy mayor, or had of an agency or who is charged with substantial policy discretion as defined by rule of the board, shall directly or indirectly request any person to make or pay any political assessment, subscription or contribution for any candidate for an elective office of the city or for any elected official who is a candidate for any elective office; provided that nothing contained in this paragraph shall be construed to prohibit such public servant from speaking on behalf of any such candidate or elected official at an occasion where a request for a political assessment, subscription or contribution made by others."

(99) The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with an Associate Staff Analyst in which the Associate Staff Analyst agreed to be suspended for 22 work days, valued at \$6,005.34; forfeit 136 hours of annual leave, valued at \$5,303.48; resign from DOHMH; and never seek City employment in the future for her multiple violations of the City’s conflicts of interest law. Among her violations, the Associate Staff Analyst further acknowledged that she received compensation from the Federal Office of Minority Health Resources for conducting HIV/AIDS trainings for various faith-based organizations in Brooklyn and from a faith-based organization for performing HIV/AIDS outreach, which work she could have reasonably been assigned as part of her official DOHMH duties. The former Associate Staff Analyst admitted that in doing so she violated the City’s conflicts of interest law, which prohibits a public servant from receiving compensation except from the City for performing any official duty. *COIB v. M. John*, COIB Case No. 2008-756 (2010).

(100) The Board fined a former Administrative Law Judge (“ALJ”) in the Parking Violations Bureau of the New York City Department of Finance \$2,500 for accepting a prohibited gratuity and for misusing his City position for personal advantage, both while adjudicating parking tickets. The former ALJ admitted that, after adjudicating a delivery driver’s multiple parking tickets, he accepted the driver’s offer to send him free popcorn as a show of appreciation for dismissing some of the tickets. The former ALJ admitted telling the driver that he liked the popcorn that was named on invoices the driver had submitted to contest the parking tickets and then gave the driver his address so the popcorn could be delivered to his home. The former ALJ acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from accepting any gratuity from any person whose interests may be affected by the public servant’s official action. The former ALJ also admitted that he had called and asked the owner of an audio-video installation company who repeatedly appeared before the then-ALJ at the Parking Violations Bureau to install a flat-screen television and DVD player in his home. Although the former ALJ paid for the installation, he acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from misusing their City positions for personal and private benefit. *COIB v. A. Rubin*, COIB Case No. 2009-398 (2010).

### **SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS**

- **Relevant Charter Sections:** City Charter § 2604(b)(14)<sup>11</sup>

(101) The Board and the New York City Department of Housing Preservation and Development (“HPD”) concluded a three-way settlement with an Associate Staff Analyst who agreed to irrevocably resign from HPD for entering into a prohibited financial relationship with her subordinate, an HPD Community Assistant. The Associate Staff

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<sup>10</sup> City Charter § 2604(b)(13) states: “No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose interests may be affected by the public servant’s official action.”

<sup>11</sup> City Charter § 2604(b)(14) states: “No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.”

Analyst acknowledged that, from 2005 through January 15, 2010, her subordinate rented an apartment from her fiancé, who lived with the Associate Staff Analyst and shared household expenses during the entire time that her subordinate rented the apartment. The Associate Staff Analyst acknowledged that she assumed the role of a landlord with regard to the apartment being rented to her subordinate by co-signing her subordinate's lease along with her live-in fiancé and her subordinate, accepting the monthly rent payments from her subordinate while at HPD, and dealing directly with her subordinate concerning any issues her subordinate had with the apartment. The Associate Staff Analyst admitted that her conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. The Board issued the subordinate Community Assistant a public warning letter. *COIB v. M. Acevedo*, COIB Case No. 2010-126 (2010); *COIB v. Alvarez*, COIB Case No. 2010-126a (2010).

- (102) The Board fined a former Telecommunications and Vehicle Coordinator for the New York City Housing Authority ("NYCHA") \$900 for soliciting and obtaining loans totaling \$300 from two superiors. The former Telecommunications and Vehicle Coordinator also acknowledged that he misappropriated \$503 from NYCHA's petty cash fund by altering the dollar amount on two vouchers and receipts that were submitted for reimbursement and keeping not only the difference between the correct amount and the altered amount (\$110) but also the \$393 he should have reimbursed to the NYCHA employee. The former Telecommunications and Vehicle Coordinator admitted that he violated the City's conflicts of interest law, which: (a) prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant; (b) prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant; and (c) prohibits a public servant from using City resources, such as City money, for any non-City purpose. In setting the amount of the fine, the Board took into consideration the former Telecommunications and Vehicle Coordinator's financial hardship and that he had been suspended for 30 days without pay by NYCHA, valued at \$3,890. *COIB v. Chabot*, COIB Case No. 2010-067 (2010).
- (103) The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Principal Administrative Associate in the DOHMH Bureau of Vital Statistics who paid a \$2,500 fine to DOHMH for, at times when she was supposed to be doing work for DOHMH, using a City computer and her DOHMH e-mail account to sell Avon products, including to several of her DOHMH subordinates. The Principal Administrative Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources to pursue private activities and prohibits a superior from entering into a financial relationship with his or her subordinate, which would include selling anything to one's subordinate. *COIB v. Simpkins*, COIB Case No. 2010-424 (2010).
- (104) The Board and the New York City Department of Homeless Services ("DHS") concluded a three-way settlement with a DHS Special Officer who was suspended by DHS for thirty

days without pay, which has the approximate value of \$4,884, for soliciting and obtaining personal loans from several of his subordinates. The Special Officer admitted that, in 2008, he solicited and obtained loans ranging from \$25 to \$100 from six of his subordinates. The Special Officer acknowledged that he also solicited loans from two other subordinates, who refused to provide him with a loan. The Special Officer admitted that he violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Jul. Williams*, COIB Case No. 2009-813 (2010).

- (105) The Board fined a former Principal for the New York City Department of Education \$3,000 for supervising his live-in girlfriend, the Assistant Principal at his school, for one year and eight months. The former Principal acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into a financial relationship – such as cohabitation – with one's superior or subordinate and from using or attempting to use one's City position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. By living with the Assistant Principal, the former Principal was "associated" with her within the meaning of the City's conflicts of interest law. In a separate settlement agreement with the Board, the Assistant Principal admitted that she had violated the City's conflicts of interest law, which prohibits a public servant from entering into a financial relationship with one's superior or subordinate, for which she was fined \$1,250. *COIB v. Piazza*, COIB Case No. 2010-077 (2010); *COIB v. Cid*, COIB Case No. 2010a (2010).
- (106) The Board fined a Community Assistant for the New York City Department of Records and Information Services ("DORIS") \$1,000 for borrowing money from two of her DORIS subordinates. The Community Assistant admitted that, while working as a Warehouse Supervisor at DORIS, she solicited and received a \$560 loan from a Stockworker, who used his credit card to make a \$560 purchase on her behalf. The Community Assistant admitted that it took her three months to repay the Stockworker and, even then, she did not reimburse him for the finance charges that had accrued on his credit card because of her purchase. She further admitted that she borrowed \$100 in cash from another one of her DORIS subordinates, which money she repaid the next day. The Community Assistant acknowledged that her conduct violated the City's conflicts of interest law, which prohibits public servants from entering into a financial relationship with a superior or subordinate City employee. *COIB v. F. Roberts*, COIB Case No. 2008-562 (2010).
- (107) The Board fined a former Supervisor of Child Care at the New York City Administration for Children's Services ("ACS") \$500 for his multiple violations of the City's conflicts of interest law, a fine that was reduced from \$3,000 because of the Supervisor's demonstrated financial hardship. First, the former Supervisor of Child Care admitted that he requested and received a loan from a temporary employee who was working at ACS as a Children's Counselor under his direct supervision. The Children's Counselor made the loan by purchasing a laptop computer on behalf of the Supervisor using her personal credit card, which loan the Supervisor repaid over the next eight months. The former Supervisor of

Child Care acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from using his City position for private financial gain. Second, the former Supervisor of Child Care admitted that he stored on his ACS computer a copy of a book that he intended to sell for a profit. The former Supervisor acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from using City resources, such as a computer, for any non-City purpose, in particular for any private business or secondary employment. Third, the former Supervisor of Child Care admitted that he had solicited the sale and sold a copy of that book to at least one Children's Counselor who was his subordinate. The former Supervisor acknowledged that he thereby violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the superior or subordinate of that public servant. In Advisory Opinion No. 98-12, the Board stated that, while public servants may sell items, such as a book, to their peers, the sale of any item by a superior to a subordinate is prohibited by Chapter 68. *COIB v. Avinger*, COIB Case No. 2009-312 (2010).

- (108) The Board fined a former Deputy Commissioner for the New York City Department of Information Technology and Telecommunications ("DoITT") who was the General Manager and President of DoITT's media and television divisions, including NYC-TV, \$5,000 for his multiple violations of Chapter 68 of the New York City Charter, the City's conflicts of interest law. First, the former General Manager acknowledged that he directed an information technology assistant from a private temporary employment agency to perform personal tasks for him at times the assistant should have been performing services for DoITT. Specifically, the former General Manager asked the information technology assistant to purchase Mac Books and software at the Apple store in SoHo for use, in part, for his private business, to purchase wireless cards for his personal use, to configure his personal Blackberry, and travel to his home to configure both his personal and DoITT computer equipment. The former General Manager also acknowledged that he improperly used equipment purchased by DoITT specifically for his use at home on DoITT business. He acknowledged employing the equipment for his personal use and using his City computer in connection with his proposed consulting work for an international media and publishing company and for his work on a private film, despite having received written advice from the Board that he could not use any City resources in connection with the private film. The former General Manager admitted that in so doing he violated the City of New York's conflicts of interest law, which prohibits the use of City resources –including City personnel, computers, and other equipment – for any non-City purpose and prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. Second, the former General Manager further acknowledged that he invited two of his NYC-TV subordinates, an NYC-TV Senior Producer and the NYC-TV Director of Post-Production/Graphic Art, to work on the private film with him, for which work they were compensated. The former General Manager admitted that by working in a private enterprise, namely the private film, with two of his City subordinates, he violated the City of New York's conflicts of interest law, which prohibits a public servant from entering into a financial relationship with his or her superior or subordinate. Third, the former General Manager acknowledged that he participated in developing a proposal with two of his NYC-TV subordinates – the NYC-TV Director of Post-Production/Graphic Art mentioned above and an NYC-TV technician – for the purpose of providing consulting services to an international

media and publishing company. His two NYC-TV subordinates were to be the “Associates” of this yet-to-be-formed consulting firm. The consulting firm was never incorporated and never performed any services. Nonetheless, the former General Manager admitted that by creating and submitting a business proposal with two of his NYC-TV subordinates, he violated the City of New York’s conflicts of interest law, which prohibits a public servant from entering into a financial relationship with his or her superior or subordinate. The Board issued warning letters to the former General Manager’s three subordinates for their violations of the City’s conflicts of interest law for entering into prohibited financial relationships with their superior. *COIB v. Wierson*, COIB Case No. 2009-226a (2010); *COIB v. Atiya*, COIB Case No. 2009-226f (2010); *COIB v. Hunkele*, COIB Case No. 2009-226e (2010); *COIB v. LeBreton*, COIB Case No. 2009d (2010).

### **ONE-YEAR POST-EMPLOYMENT APPEARANCES**

- **Relevant Charter Sections:** City Charter § 2604(d)(2)<sup>12</sup>

(109) The Board fined the former Deputy Chief Engineer for the Roadway Bridges Bureau in the Division of Bridges at the New York City Department of Transportation (“DOT”) \$1,000 for communicating with DOT on behalf of his new employer within one year of his resignation from DOT. The former Deputy Chief Engineer acknowledged that, within one year after leaving DOT, he called the Director of Capital Projects in the DOT Division of Bridges with questions about a DOT Request for Proposals, and he e-mailed the Director of Quality Assurance in the DOT Division of Bridges to obtain a copy of a manual he had worked on in 1992. Both communications were made on behalf of his new employer, an engineering firm. The former Deputy Chief Engineer admitted that his conduct violated the City’s conflicts of interest law, which prohibits a former public servant from “appearing” before that public servant’s former agency within one year of terminating employment with the agency. *COIB v. L. King*, COIB Case No. 2010-299 (2010).

(110) The Board fined a former Administrative Engineer at the New York City Department of Buildings (“DOB”) \$2,000 for appearing before DOB within one year of his resignation from DOB. The former Administrative Engineer acknowledged that, within one year after leaving DOB, he attended weekly meetings at the Lower Manhattan Construction Command Center (“LMCCC”) on behalf of his private employer. LMCCC is an organization created by New York State and New York City to oversee, facilitate, and mitigate the effects of construction in Lower Manhattan and to communicate with the public regarding such construction by bringing together private developers, government agencies, utility companies, private businesses, and residents. At

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<sup>12</sup> City Charter § 2604(d)(2) states: “No former public servant shall, within a period of one year after termination of such person’s service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant’s service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.”

these meetings, the former Administrative Engineer would provide updates about construction projects being performed by his private employer. At five of the LMCCC meeting he attended on behalf of his private employer, DOB employees were also present. The former Administrative Engineer admitted that his conduct violated the City's conflicts of interest law, which prohibits a former public servant from appearing before that public servant's former agency within one year of terminating employment with the agency. *COIB v. E. Reid*, COIB Case No. 2008-547 (2010).

(111) The Board fined a former Public Health Sanitarian for the Bureau of Food Safety and Community Sanitation at the New York City Department of Health and Mental Hygiene ("DOHMH") \$950 for appearing before DOHMH within one year of her resignation from DOHMH. The former Public Health Sanitarian acknowledged that, within one year after leaving DOHMH, she appeared before the DOHMH Administrative Tribunal on behalf of a private food service establishment for the adjudication of violations issued by DOHMH against that establishment. The DOHMH Administrative Tribunal is the venue in which notices of violations of the New York City Health Codes and other related laws are adjudicated. The former Public Health Sanitarian admitted that her conduct violated the City's conflicts of interest law, which prohibits a former public servant from appearing before that public servant's former agency within one year of terminating employment with the agency. *COIB v. T. Gill*, COIB Case No. 2007-773a (2010).

### **LIFETIME POST-EMPLOYMENT PARTICULAR MATTER BAN**

- **Relevant Charter Sections:** City Charter § 2604(d)(4)<sup>13</sup>

(112) The Board issued a public warning letter to a former Commanding Officer at the New York City Police Department ("NYPD") Office of Labor Relations ("OLR") who, after retiring from the NYPD, was retained as an expert witness in a lawsuit against the City, in which lawsuit he had personally and substantially participated while at the NYPD. While at the NYPD Office of Labor Relations, the former Commanding officer attended one meeting at which he was consulted by the City's attorneys concerning the allegations in a lawsuit brought by police officers who claimed that NYPD violated the Fair Labor Standards Act by, among other things, failing to approve, and at times pay, their requests for overtime compensation. After leaving the NYPD, the former Commanding Officer was retained as an expert witness by the police officers in that same lawsuit. The Board found that, although the former Commanding Officer had attended only one meeting concerning the lawsuit while at the NYPD Office of Labor Relations, his participation in the lawsuit was personal and substantial because, at the time, he was the highest uniformed officer at NYPD OLR and he was not merely an attendee at the meeting but was consulted with and asked to gather documents for the City's defense. While the former Commanding Officer represented that he did not recall participating in the meeting while at the NYPD, the Board took the opportunity of this

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<sup>13</sup> City Charter § 2604(d)(4) states: "No person who has served as a public servant shall appear, whether paid or unpaid, before the city, or receive compensation for any services rendered, in relation to any particular matter involving the same party or parties with respect to which particular matter such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities."

public letter to make clear that public servants have a duty to conduct a reasonable inquiry to determine whether they have ever personally and substantially participated in a particular matter on which they are considering working after leaving City service. With respect to the former Commanding Officer, that reasonable inquiry required that he ask the NYPD *and* the New York City Law Department Labor and Employment Division, which participated in the City's defense, whether he had participated in the lawsuit in any way. *COIB v. McCabe*, COIB Case No. 2008-129 (2010).

- (113) The Board fined a former Assistant Director of Manhattan Construction for the New York City Department of Parks and Recreation ("Parks") \$2,500 for working on the same particular matter in the private sector that he had previously worked on personally and substantially for the City. The former Assistant Director of Manhattan Construction admitted to soliciting and accepting a position with a private contractor while he was overseeing the contractor's work on three Parks projects to build athletic fields. He further admitted that, after leaving Parks to work for the private contractor, he managed the completion of one of the same Parks projects for the contractor that he had worked on for the City. The former Assistant Director acknowledged that he violated the City's conflicts of interest law, which prohibits public servants from soliciting, negotiating for, or accepting a position with a firm while working with the firm on behalf of the City *and* from working on a matter in the private sector if they previously worked personally and substantially on the same particular matter as a City employee. *COIB v. Macaluso*, COIB Case No. 2008-759 (2010).