

the Ethical Times

Confidentiality Confidential

Part Two

By Roy Koshy

In our last issue, City Private Eye Roy Koshy was investigating a leak of the exam status – and private email address – of Marielle Haywood, actress-turned-aspiring-civil servant. It all seemed to be related to a scheme to sell “Bee Four” honey water. And then he got a call from retired Hal Brubeck, who promised information that could crack the case...

As 9pm approached and I made my way to City Hall Park, I turned over Hal’s words in my head. He said that, as a retired public servant, he had nothing to lose. Suddenly, I realized that that’s not true! He *does* have something to lose. If he’s going to disclose confidential information, that’s still prohibited by the conflicts of interest law...

I arrived at City Hall Park to find a group of gawkers standing around. This being tourist season, I thought nothing of it, until I saw what they were gawking at: Hal Brubeck’s body, lying face up on the ground with a beehive stuffed in his mouth. Next to his body was a karaoke machine blaring out the hit tune, “Wake Me Up Before You Go-Go.” I ran back to my office.

As I ran, those lyrics kept buzzing through my mind. Wake... before... be...fore ...Bee... Four? Something sinister was behind all of this, and I needed to blow the lid on it before I ended up with a mouthful of stingers. When I got to my office, I immediately called Marielle Haywood. But as I heard the ring on the

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landline, I also heard a ring in my office.

“I let myself in, Mr. Koshy.”

I turned around and saw Marielle standing in the corner. “Say, is breaking and entering part of the Health Inspector exam?” I quipped.

“Your droll jests won’t help you, Mr. Koshy,” Marielle said, ominously.

“Okay, how ‘bout a serious question: did you ice Hal in the park?”

Marielle laughed, “Don’t be silly, Mr. Koshy,



I'm still a star, you know. That's more Gus's expertise." She signaled to the corner behind me, and it was Gus - the security guard at the Department of Exams, still wearing his trademark scowl. Gus approached me, aiming my own desk mini-stapler at me. I put my hands up.

"Just what have you got me into here?!"

A voice from the hallway answered, "It's bigger than you, Mr. Koshy."

The voice belonged to Commissioner Corte, who entered my office, holding a plastic knife from the Halal food cart out front. "You're merely a minor player."

"Player in what?!" I demanded.

"We were just about to close a lucrative contract with the City," Marielle explained. "We'd supply our brand of honey water to all City agencies; within a year we'd dominate the entire New York-area honey water market."

"But no such contract has been announced!" I objected.

"Precisely!" she continued. "Commissioner Corte had the inside track, and he knew about my interest in honey water from the many press reports about it. So I quit my lousy actress job and we launched our company, Bee Four. We'd be ready to apply the moment the RFP was publicly announced. And since Corte would also see any other bids coming in, we'd be able to bid one dollar less than whatever our competitors offered."

"Ah, the reverse *Price is Right* gambit," I said, not amused. "It violates several provisions of the conflicts of interest law, but I can tell you don't care. And the email printout you handed me when we first met?"

"We sent it to everyone who took a civil service test," Marielle answered. "Even if only a handful of people sign up, it'll be enough to fund our operations until that City contract pays out."

"Another violation. And why did you come to me in the first place?"

"As cover, Mr. Koshy. While you were busy chasing down all these inconsequential breaches of confidentiality on our behalf, we could move on our bigger plan."

"Breaches of confidentiality are important!" I replied. "And they are certainly not to be tolerated, whether from an aspiring civil servant or an Exams Commissioner!"

Corte laughed. "Why, Mr. Koshy, there is no Department of Exams, because we run the Department of Corruption!"

"Department of Corruption?!" I scoffed. "Funny, I've never heard of it!"

"Yes, Mr. Koshy; that's how corrupt it is!" Corte shouted. "No transparency, no accountability!"

I fell back in my chair, as shocked by this revelation as I was by the mission statement. Marielle, Corte, and Gus advanced towards me. "Thank you for your service, Mr. Koshy," Marielle purred. "We'll help you with your... early retirement."

All of a sudden, "Wake Me Up Before You Go -Go" started blaring from the hallway, stopping the three rogues in their tracks. While Gus was momentarily distracted, I grabbed my now-hardened egg salad sandwich and threw it at his head, knocking him out. As I dove under my desk, a swarm of bees filled the room, sending Corte and Marielle into paroxysms of screaming. I crawled out of my office and ran for the stairwell.

"Quite a close call there, Mr. Koshy." Hal Brubeck, alive and well, was waiting for me on the landing!

"Hal! But I saw you lying—"

Hal winked. "Ah, these louts didn't anticipate that one of the activities I took up in my retirement was beekeeping. I know bees quite well, and they'd never hurt me."

I finally relaxed. As we walked down the stairs, Hal explained how his involvement in the beekeeping community had allowed him to hear of Marielle and Corte’s devious plot. That’s why he leaked the story of Marielle taking the civil service exam to the press.

I stopped him there. “Hal, thank you for saving me, but unfortunately you did violate the post-employment confidentiality provision of the conflicts of interest law, so I’m obligated to report you.”

Hal sighed, but he was still smiling, “Fair enough, Mr. Koshy, but you’re driving on a two-way street. We both know there is no ‘Private Eye of the City of New York,’ and that you are in fact an Education and Engagement Specialist with the Conflicts of Interest Board.”

I had to hand it to him; Hal had me dead to rights.

“Well, at least we can agree that the Department of Corruption should be abolished,” I said, and we both laughed as we arrived at the lobby. Sure, in my one-man mission to root out vice, I had misused my City position, time, and resources. And I still had to email DCAS to clear that swarm of bees out of the COIB offices.

But that’s another story.

Remember, readers! While there’s no such thing as the Private Eye of the City of New York, the Conflicts of Interest Board is quite real. Our Advice attorneys can answer your questions about confidentiality, as well as all other provisions of Chapter 68. Just reach out at 212-442-1400 (or [online](#)), Monday to Friday, 9:00 to 5:00.

All advice is, yes, confidential.



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Recent Enforcement Cases

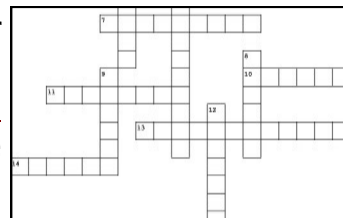
Misuse of City Resources. In 2019, the then Commissioner of the NYC Department of Small Business Services (SBS) used his assigned SBS vehicle to drive more than 300 miles throughout New York City for personal purposes. The now-former Commissioner repeatedly drove to his mother’s house, the church he attends, his barbershop, and to restaurants on Friday and Saturday nights. He agreed to pay a \$4,500 fine to the Board.

Misuse of City Position. For three years, a Custodian Engineer for the NYC Department of Education (DOE) supervised a Cleaner who was married to his stepdaughter. He agreed to pay a \$1,000 fine to the Board. In setting the fine at \$1,000, the Board considered that the Custodian Engineer had forfeited five days of annual leave, valued at approximately \$2,175, to resolve DOE disciplinary charges related to this conduct.

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

THE PUBLIC SERVICE PUZZLER

This might be our trickiest crossword yet! [Are you up to the challenge?](#) Answers are due November 19th.



Also: see [last month’s winning caption](#) and meet Hunter Igoe of the Law Department, who dreams of running a burger joint!



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