

Ethics lights the way to good government

# The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Quinn Haisley, Editor



## *Romantic Relationships and Conflicts of Interest*

By  
Bre Injeski

**Question:** *My boyfriend is considering applying for an open position at my City agency. Can I recommend him for the job?*

**Answer:** If you and your boyfriend live together, then definitely not. Although nothing in the City's conflicts of interest law specifically addresses boyfriends—or girlfriends, fiancés, and casual dates, for that matter—applicable definitions and provisions of that law expressly apply to persons in a dating relationship. One provision prohibits any public servant from using his or her City position to give anyone with whom the public servant is “associated” a private or personal advantage. Parents, spouses, siblings, and children are definitively associated with a public servant, as is anyone with whom the public servant has a business or other financial relationship. Within the context of a dating relationship, sharing a household or having a child are common examples of financial relationships.

If your boyfriend is associated with you, even if he has outstanding qualifications, you may not recommend him for the position and you must completely “recuse” or insulate yourself from anything to do with the hiring process. Moreover, should he get the job, you may not supervise him because it would place you in the position of being able to use your City position to further benefit him. It would also place you in violation of *another* provision of the conflicts of interest law—the one prohibiting public servants from having a business or financial relationship with any superior or subordinate.

**Question:** *I've been dating one of my subordinates for a while. On Valentine's Day we got into an argument about the City's conflicts of interest law. I said it prohibits us from entering into a financial relationship, so it would have been illegal for me to get her a gift. She said I was wrong. Can you settle this for us?*

**Answer:** You both are right. You're right that the City's conflicts of interest law prohibits public servants from entering into a financial or business relationship with a superior or subordinate public servant. But, she's right that the acceptance of a Valentine's Day gift would not necessarily create a financial relationship between the gift giver and the recipient.

**Question:** *I work for a large City agency and have lots of talented subordinates. I want to do something special for my anniversary with my wife Roxanne, so I was thinking that I would take my wife to the Brooklyn Bridge and then have my subordinates “spontaneously” serenade us with her namesake-song. Of course, I want it to be impressive, so I'm going to have them rehearse a lot at work. Good idea, right?*

**Answer:** We don't have to pass judgment on whether your idea is good to know that it would break the conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. City resources include personnel, and serenading your wife wouldn't serve any City purpose. If you had planned this little surprise to take place on City time, know that your “good idea” would further violate the conflicts of interest law, which also prohibits public servants from pursuing personal or private activities during their City work hours. Also, remember that you would violate the law even if you offered to pay your subordinates to perform, as no public servant may enter into a financial relationship with his or her superior or subordinate.

If you have any doubt at all about whether your action would create a conflict of interest, call the Conflicts of Interest Board at 212-442-1400 and ask for the “attorney of the day.” You can also e-mail us through our website (<http://www.nyc.gov/ethics>) by clicking on “Contact COIB.” All calls and e-mails are confidential, and you may contact us anonymously.

*Bre Injeski is Deputy Director of Enforcement at the New York City Conflicts of Interest Board*

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## Recent Enforcement Cases

▶ The Board and the DOE concluded a settlement with a Principal who traveled abroad twice with his subordinate, a School Aide: to Greece in 2011, and to Italy, Greece, Turkey, and Croatia in 2012. The School Aide paid in full for both trips, a total of \$10,829.90. As a penalty, the Principle agreed to pay a \$4,500 fine to the Board.

▶ The Board reached a settlement with the former Chief Information Officer for DHS who had an IT consultant use time billable to DHS to diagnose problems on a laptop computer belonging to the then-CIO's child. The consultant performed the requested services at a cost of approximately \$575 to the City. The former CIO agreed to make full restitution to the City for the cost of the IT consultant. He further agreed to pay a \$1,000 fine to the Board for misusing his City position and City resources.

▶ The Board issued a public warning letter to a Director of Child Care Support Services at ACS for, on two occasions, fundraising on behalf of his children's school in his City office. The Director asked his CCSS subordinates if they would like to purchase items from the fundraising catalogue when they were attempting to discuss CCSS business in his office, and sold approximately \$100 worth of fundraising items.

▶ The Board issued a public warning letter to the Criminal Justice Coordinator at ACS for running a license plate at the request of another ACS employee and providing the resulting confidential information to the employee when there was no legitimate City purpose for the request.

▶ The Board and DSNY concluded a settlement with a Sanitation Worker who accepted \$20 from a Queens resident to collect the resident's garbage.

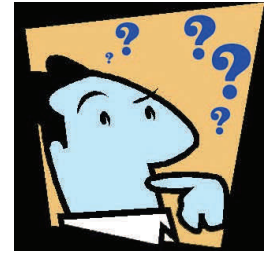
As a penalty, the Sanitation Worker agreed to retire immediately from DSNY and pay a \$1,500 fine to the Board.

▶ The Board and the New York City Comptroller's Office concluded a settlement with a Public Records Officer who, from March 2011 through November 2013, during hours she was required to be performing work for the Comptroller's Office, used her City computer and e-mail account to perform work for her private jobs with Random House and Sentia Education. The Public Records Officer also failed to obtain permission from the Comptroller's Office for her outside positions, or a waiver from the Board for her position with Random House, a firm having business dealings with the City. As a penalty, the Public Records Officer agreed to pay a fine equal to ten days' pay, valued at \$2,300.

▶ The Board concluded a settlement with a former Agency Attorney at ACS who, on six dates between January 2010 and June 2011, performed paid work for a private document review company at times he was required to be working for ACS. As a penalty, the former Agency Attorney agreed to pay a \$3,000 fine to the Board

▶ The Board issued a public warning letter to a Supervisor I at ACS who, from 2008 to 2010, periodically solicited subordinates to buy costume jewelry from her, and sold costume jewelry to at least one of her subordinates.

## Public Service Puzzler



***Congratulations!*** to the first winner of the Conflicts of Interest Board's monthly Public Service Puzzler contest:

**James F. Horton**, an Assistant Corporation Counsel at the New York City Law Department.

John won February's Puzzler, which reimagined the plots and titles of famous films, each with a conflicts of interest twist, and asked contestants to match the titles to the correct plot.

You can read John's bio and get the details for the March Public Service Puzzler by clicking [here](#).

*Interested in more information?  
Get in touch with COIB's Training & Education Unit to arrange a class in Chapter 68 for you and your staff.  
Contact Alex Kipp, Director of Training, at [kipp@coib.nyc.gov](mailto:kipp@coib.nyc.gov)*

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