

**IN THE MATTER OF SUSAN PATTERSON
COIB CASE NO. 2016-601
APRIL 28, 2017**

SUMMARY: A Department of Youth and Community Development (“DYCD”) Contract Specialist used her DYCD work hours and DYCD resources to perform work for her private online retail business. Over a four-month period, during her DYCD workday, the Contract Specialist used her DYCD computer to visit numerous websites and used her DYCD email account eight times to send or receive emails related to her private business. In a three-way settlement with the Board and DYCD, the Contract Specialist agreed to pay a \$1,000 fine to the Board and accepted a four-workday suspension, valued at approximately \$1,112, for her violations. *COIB v. S. Patterson*, COIB Case No. 2016-601 (2017).

STIPULATION AND DISPOSITION:

WHEREAS, the New York City Department of Youth & Community Development (“DYCD”) served disciplinary charges against Susan Patterson (“Respondent”), pursuant to Section 75 of the Civil Service Law, alleging violations of the City’s conflicts of interest law, found in Chapter 68 of the New York City Charter (“Chapter 68”), and the DYCD Code of Conduct; and

WHEREAS, given that related disciplinary charges were pending at DYCD, the New York City Conflicts of Interest Board (the “Board”) referred this matter to DYCD pursuant to Section 2603(e)(2)(d) of Chapter 68; and

WHEREAS, the Board, DYCD, and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED, by and among the parties, as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:
 - a. Since June 23, 2002, I have been employed by DYCD, most recently as a Contract Specialist Level 2. As such, at all times relevant to this matter, I was a public servant within the meaning of Chapter 68.
 - b. I also run a private retail business that maintains an active online presence.
 - c. From January 4 to March 29, 2016, I used my DYCD computer to visit numerous websites related to my personal online business at times when I was required to perform work for DYCD.

- d. Between January 2 to May 15, 2016, I sent or received a total of eight emails related to my personal online business using my DYCD email account at times when I was required to perform work for DYCD.
- e. I acknowledge that, by performing work for my online business at times when I was required to perform work for DYCD, I used City time for non-City purposes in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which state respectively:

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.

Except as provided in subdivision (c) of this section, 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.

- f. I acknowledge that, by performing work for my online business using my DYCD computer and internet access, I used City resources for non-City purposes in violation of City Charter § 2604(b)(2), cited above, pursuant to Board Rules § 1-13(b), which states:

Except as provided in subdivision (c) of this section, 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.

2. DYCD and the Board, after considering prior cases in which a City employee misused City time and resources to perform work for an outside business, have determined that the appropriate penalty in this case is a four-workday suspension, valued at approximately \$1,112, and a fine of One Thousand Dollars (\$1,000).

3. Respondent agrees to the following:

- a. I agree to serve a four-workday suspension, on dates to be determined by DYCD.
- b. I agree to pay a One Thousand Dollar (\$1,000) fine to the Board by money order or by cashier, bank, or certified check, made payable to the “New York City Conflicts of Interest Board” as follows: \$500 on or before February 28, 2017; and \$500 on or before March 31, 2017.
- c. I agree that this Disposition is a public and final resolution of DYCD’s disciplinary action and the Board’s charges against me.

- d. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board, or any members or employees thereof relating to, or arising out of this Disposition or the matters recited therein.
- e. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and having been represented by the representative of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of DYCD or the Board; and that I fully understand all the terms of this Disposition.
- f. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

4. The Board and DYCD accept this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

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5. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: February 23, 2017

_____/s/
Susan Patterson
Respondent

Dated: February 24, 2017

_____/s/
Darek Robinson
Vice President, Grievance
Local 371
Union Representative for Respondent

Dated: February 23, 2017

_____/s/
Penney Vachirapapun
Assistant General Counsel
NYC Department of Youth &
Community Development

Dated: April 28, 2017

_____/s/
Richard Briffault
Chair
NYC Conflicts of Interest Board