

*Ethics lights the way
to good government*

The Ethical Times

A Publication of the New York City Conflicts of Interest Board
Clare Wiseman, Editor



A Post-Employment Journal

By
Roy Koshy

January 6th:

Well, today is my last day of City service. After 10 years, I'm finally leaving the NYC Department of Making Small Talk at Parties (or "DMSTP"). What a ride it's been! I made a lot of friends, gained some valuable skills, and maybe even helped the people of New York City. Last year alone, the Mayor's Office reported that awkward conversation at parties has decreased by 32%.

What's next? I'm throwing myself into the raging waters of the private sector. Sink or swim, baby! Starting Monday, I'll be the newest product manager at Partyfavors.com. According to the mission statement, *"Partyfavors.com is a company dedicated to pursuing and implementing innovative solutions in helping people escape uncomfortable interactions at parties, conferences, and any other type of gathering."* With the skills I acquired at DMSTP, I *know* that I'll slay this job! On top of that, I still have my friends here at DMSTP, so I'll definitely be able to build a bridge between the City and Partyfavors.com. It's like my vision board has come to life!!

So don't worry NYC government, I won't be completely out your life. Maybe I'll write a book about my crazy times working for the City. If nothing else, we'll always have taxes, right? LOL!

April 1st:

Not gonna lie, I'm really bummed out. Today is April Fools Day, but it feels like *I'm* the only fool here. Partyfavors.com has been working on this new app that makes fake calls to your phone should you find yourself stuck in a painfully boring or awkward party convo. Partyfavors.com wanted to partner with DMSTP to make this app available to all New Yorkers – so of course I'm the ideal person to facilitate that, right?? Wrong! Apparently, the conflicts of interest law doesn't allow me to communicate with my former agency on behalf of my new job AT ALL for ONE WHOLE YEAR. C'mon! That's *ludicrous*! I sold myself to Partyfavors.com by saying I have experience AND contacts in the City's party small talk projects. Now I look like a complete fraud! Guess I can't say "Hi" to my old friends back at DMSTP anymore, huh? Why am I being punished like this?!?!?!?

April 14th:

Alright, I've calmed down a bit since my last entry. I called the NYC Conflicts of Interest Board and demanded to know why I had to follow this "one-year ban." They told me it's meant to be a "cooling-off period" for both me and DMSTP, to keep me from using any lasting influence I might have over DMSTP to benefit myself or Partyfavors.com. At the same time, it also aims to prevent my new employer from obtaining an unfair advantage just because DMSTP knows me and likes me (not a big surprise there! LOL!). On a more positive note, I AM allowed to work on projects involving DMSTP at my new company; I just can't be the one communicating with DMSTP on behalf of Partyfavors.com for one year.

On an even more positive note, I can communicate with City agencies other than DMSTP on behalf of Partyfavors.com, which is a relief because I'm spearheading a project that addresses awkward small talk at school dances, and need to make a slew of presentations at the Department of Education.

And on the most positivist note of all, I am NOT forbidden from saying "Hi" to my old friends at DMSTP. Phew! I miss those folks...

May 16th:

My feelings right now can be summed up in one word: Ugh! So I totally get the "one-year ban," but now I'm facing some sort of "lifetime ban." How many "bans" are there?! A GAZILLION?!?! Here's the deal: DMSTP recruited Partyfavors.com to work on "GnoshTalkNYC," a Citywide small-talk initiative involving food at parties. Specifically, DMTSP wants Partyfavors.com to work on an educational advertising campaign that focuses on best practices in interacting with people around the snack table. Problem is, I was one of the DMSTP employees who created and designed this ad campaign in the early stages. So of course I'm the IDEAL person to work on this partnership, right? WRONG, again! Evidently, the conflicts of interest law doesn't allow me to work on any project that I worked on "personally and substantially" as a City employee FOREVER! Can you believe that?! Banned from my own creation until the end of time! Cruel, cruel law.

May 30th:

Okay. I've had some time to think since my last journal entry. Made another call to the NYC Conflicts of Interest

Board to figure out this “lifetime ban” business. They explained that, because I represented the City on the “GnoshTalkNYC” ad campaign, switching sides on this long-term particular business matter would present a conflict. The attorney explained that it’s like if we were playing baseball and I decided to switch teams right in the middle of the game. After the game, I can go wherever I want, but this ad campaign game is still being played. And I’m stuck on the bench. But not totally stuck, because I am actually allowed to work on other features of “GnoshTalkNYC” through my job, such as the app that provides advice on picking the best foods for stimulating conversations. Think I’m getting the hang of these “bans.”

Now for some good news! Party-favors.com is looking to build an online support group where people can share stories about times they were stuck in terrible party conversations. Well, I know that DMSTP was beginning to start a similar project shortly before I left, and I still have some of those preliminary plans with me. Next week, I’ll present DMSTP’s plans at the team meeting, and we can gain some inspiration in our own planning. I told you I’d slay at this job!

June 6th:

ARRGGGGH! Remember when I told you how excited I was to present those DMSTP plans to my team? Well, I realized that the information was for internal DMSTP use only and is therefore completely confidential. Which means the conflicts of interest law prohibits me from disclosing in my new job, so I won’t bother** the Conflicts of Interest Board about it.

July 19th:

Well, I’ve decided to leave Party-favors.com. I received a note from above that I was “journaling too much on the job.” Quite honestly, if I have to choose, then I choose you, Journal! Guess I’ll have to dust off the ol’ resume and get to job-hunting. I saw that there was an opening for another government job at the New York State

Department of Massage Circles at Parties, but what am I gonna do with all of these “bans” I have to obey? I guess I can’t apply until January, because of that whole “one-year ban” thing? Sorry Journal, I don’t feel like talking right now. Maybe later.

September 26th:

Hey, long time no talk, right? Well sorry about that! I’ve been a bit busy. I landed that job at the NYS Department of Massage Circles at Parties (DMCP for short)!! Turns out I DO NOT have those “one-year” or “lifetime” post-employment restrictions when it comes to working for another government agency; they only apply to the private sector. However, that confidentiality restriction still applies all the time. And some MORE good news – in my new position at DMCP, I’m able to with my old pals at DMSTP to develop the “Relaxed Conversation Initiative,” which aims to give people the tools necessary to engage in enlightening yet non-obstructive massage circle conversations. I think, if I don’t say so myself, that I’m the ideal person for this job...

****Editor’s Note:** City employees are more than welcome to “bother” the NYC Conflicts of Interest Board with questions regarding confidentiality or any other conflicts-of-interest-related questions at 212-442-1400.

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Recent Enforcement Cases

► **Superior—Subordinate Financial Relationship.** Over the course of three years, a Construction Project Manager with the DOT engaged in a series of financial transactions with his direct supervisor: they lent and repaid each other more than \$40,000. The City’s conflicts of interest law prohibits public servants

from entering into any financial relationship with a superior or subordinate. The Construction Project Manager was fined \$2,500 – \$1,500 paid to DOT and \$1,000 to the Board – for these violations.

► **Misuse of City Position; Misuse of City Resources.** After parking his agency car illegally in a “No Standing” zone, an Associate Fraud Investigator for the HRA received a ticket which he was personally responsible for paying. Instead of paying the ticket, he misused HRA letterhead and his HRA position by submitting a bogus letter to the New York City Parking Violations Bureau (“PVB”). In the letter, the Associate Fraud Investigator misrepresented that HRA was appealing a PVB ruling and invoked his HRA position in an attempt to have the ticket dismissed. He was fined \$1,500 by the Board for these violations.

► **Misuse of City Position.** A Child Protective Specialist at ACS admitted that she misused her ACS position to intercede on behalf of her relative in an ACS-related matter. Specifically, the Child Protective Specialist contacted the ACS employee assigned to her relative’s case, invoked her ACS title, inquired about the case, and stated that her relative would not speak to the ACS employee unless the Child Protective Specialist was also present. The City’s conflicts of interest law prohibits public servants from using or attempting use their City positions to obtain any special advantage for their “associated” relatives. An “associated” relative includes a spouse, domestic partner, child, parent, or sibling. For this misconduct ACS fined the Child Protective Specialist \$1,250. The Board imposed no additional penalty.

► **Misuse of City Resources.** A DEP Electrical Engineer admitted that he violated the conflicts of interest law and DEP rules 19 times by using a DEP vehicle without authorization to run personal errands and commute between his home and DEP. DEP determined that the appropriate penalty for the Electrical Engineer's infractions was resignation. The Board imposed no additional penalty.

► **Misuse of City Resources.** A Sanitation Worker photocopied an official DSNY placard that he was no longer permitted to use and placed the fraudulent copy of the parking placard in his personal vehicle's windshield in order to park in a DSNY garage without authorization. The Sanitation Worker accepted a three-workday suspension, valued at approximately \$486, for this unauthorized use of a City resource.

► **Misuse of City Time & Resources.** A DOE Principal Administrative Associate was issued a public warning letter for conducting her private business as a notary during DOE work hours and on DOE premises. On at least ten occasions she accepted small payments from parents seeking someone to notarize DOE enrollment paperwork for them. (The Administrative Associate's official DOE duties do not include notarizing documents.) Although the Administrative Associate used only a small amount of City time and resources for her notary business, in issuing this public warning letter, the Board seeks to make clear to all public servants that *any* use of City time or resources for private enterprises is strictly prohibited.

► **Misuse of City Position.** As a part of its Cash Assistance programs, HRA offers emergency "one shot" grants to eligible applicants when an

unforeseen circumstance prevents them from meeting an expense. An HRA client applied for such a grant to help her avoid eviction. The client was required to submit to HRA part of her overdue rent payment, which she did, in the form of an \$845.80 money order she gave to the HRA Job Opportunity Specialist assigned to her case. Instead of disposing of the money order properly, the Job Opportunity Specialist wrote his own name in the payee field of the money order, cashed it, and kept the money for himself. Because this money never reached her landlord, the client had to obtain a second money order to stave off eviction.

After a full trial, an Administrative Law Judge ("ALJ") at the New York City Office of Administrative Trials and Hearings issued a Report and Recommendation, finding that the former Job Opportunity Specialist misused his City position to steal the HRA client's rent money. The ALJ's Report recommended a \$6,000 fine, plus restitution of \$845.80 to the victim. The Board adopted the ALJ's findings of fact but determined that a \$10,000 fine plus restitution is the appropriate penalty in this case.

In determining the penalty, the Board considered the following:

- prior penalties in cases of theft from vulnerable City clients;
- that the Job Opportunity Specialist has still not reimbursed the client for the theft; and
- that he did not accept responsibility for his actions by agreeing to settle the case before a full trial on the merits.

The Board took particular note of the Job Opportunity Specialist's "exploitation of his HRA client's vulnerability, and the underlying breach not only of the trust placed in him by the public, but also of his

client's trust."

Congratulations!

to the winner of the Conflicts of Interest Board's April Public Service Puzzler contest:

Melanie Velez, a Child Protective Specialist at New York City's Administration for Children's Services.

You can read Ms. Velez's bio in the next issue of the Public Service Puzzler.



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*Contact Gavin Kendall, at
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