



NEW YORK CITY CONFLICTS OF INTEREST BOARD

2020 Annual Report

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@NYCCOIB

Board Members

**Jeffrey D. Friedlander,
Chair**

Former First Assistant Corporation Counsel, NYC Law Department.
Appointed to the Board in April 2017.
Designated Chair in April 2020.

Nisha Agarwal

Deputy Executive Director, International Refugee Assistance Project.
Appointed to the Board in April 2020.

Fernando A. Bohorquez, Jr.

Partner at BakerHostetler.
Appointed to the Board in March 2014.

Anthony W. Crowell

Dean and President of New York Law School.
Appointed to the Board in April 2013.

Wayne G. Hawley

Former Deputy Executive Director and General Counsel, NYC Conflicts of Interest Board.
Appointed to the Board in April 2020.

Board Staff

Executive

Carolyn Lisa Miller

Executive Director

Jasmine Mack

Administrative Legal
Coordinator

Administration

Varuni Bhagwant

Director

Nabilah Quddus

Human Resources Generalist

Annual Disclosure

Julia H. Lee

Director & Special Counsel

Joanne Giura

Deputy Director

Holli R. Hellman

Senior Annual Disclosure
Analyst

Caitlyn Louie

Annual Disclosure Analyst

Veronica Martinez Garcia

Administrative Assistant

Education & Engagement

Alex Kipp

Director

Rob Casimir

Senior Education &
Engagement Specialist

Gavin Kendall

Education & Engagement
Specialist

Roy Koshy

Education & Engagement
Specialist

Isaiah Tanenbaum

Education & Engagement
Specialist

Enforcement

Jeff Tremblay

Deputy Director

Katherine Miller

Assistant Counsel/EEO Officer &
Disability Rights Coordinator

Juliya Ziskina

Assistant Counsel

Information Technology

Derick Yu

Legal Advice

Ethan A. Carrier

General Counsel

Christopher M. Hammer

Deputy General Counsel

Chad Gholizadeh

Assistant Counsel

Yasong Niu

Assistant Counsel

Clare Wiseman

Assistant Counsel

Ana Gross

Paralegal

Ari Mulgay

Paralegal

The New York City Conflicts of Interest Board (“COIB” or “the Board”) has four broad responsibilities:

1. Educating the more than 325,000 current public servants of the City of New York about the requirements of Chapter 68, the City’s Conflicts of Interest Law;
2. Interpreting Chapter 68, the Lobbyist Gift Law,¹ the Affiliated Not-for-Profits Law,² and the Legal Defense Trust Law,³ through issuing formal advisory opinions, promulgating rules, and responding to requests for advice, both formal and informal, from current and former public servants, and lobbyists, and affiliated not-for-profits.
3. Prosecuting violators of Chapter 68, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law in administrative proceedings; and
4. Administering and enforcing the City’s Annual Disclosure Law.⁴

This Annual Report reviews the Board’s accomplishments during 2020, under each of the following headings: (1) Education & Engagement; (2) Legal Advice; (3) Enforcement; and (4) Annual Disclosure.

¹ [Subchapter 3 of Title 2 of the New York City Administrative Code.](#)

² [Chapter 9 of Title 3 of the New York City Administrative Code.](#)

³ [Chapter 11 of Title 3 of the New York City Administrative Code.](#)

⁴ [Section 12-110 of the New York City Administrative Code.](#)

Education & Engagement

Traditionally, the Education & Engagement Unit uses a combination of classroom teaching, social media, and eLearning to build awareness of the Conflicts of Interest Law and relationships with public servants. All three were significantly impacted when the City's workforce started working remotely in mid-March 2020. However, by May 2020 the Education & Engagement Unit had successfully transitioned training City employees through webinars. Thousands of public servants were trained by webinar in 2020. To stay engaged with teleworking public servants, the Unit also added a new monthly email campaign, "COIB Small Plates," to its micro-messaging efforts.

Due to the COVID-19 pandemic, the Citywide Annual Seminar on Ethics in Government did not take place in 2020. We look forward to conducting a video seminar in 2021.

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Classes Conducted (in person and webinar)	818	755	682	186
People Trained	29,115	30,396	28,004	10,652
Agencies Visited	53	51	64	31
Online Training Completions	8,129	10,684	28,825	10,503
Agencies Participating in Online Training	5	9	29	54
Social Media Views	927,840	3,500,000	2,700,000	2,103,900
Website Page Views	77,500	147,00	173,143	155,000

<u>Outreach Media and Other Projects</u>	
Monthly Messaging	Ethical Times Newsletter, Public Service Puzzler, COIB Small Plates
Social Platforms	Twitter, YouTube, Facebook, Instagram
Media Placements	NYXT TV, WNYE 91.5 FM
Conferences	Council of Governmental Ethics Laws – Programming Committee

Legal Advice

During 2020, the principal focus of the Legal Advice Unit remained on providing daily guidance about the City's Conflicts of Interest Law to the City's current and former public servants as the attorney-of-the-day service continued without interruption while the Unit moved to teleworking. The Legal Advice Unit also provided advice concerning the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law, as well as answering inquiries from the press and other jurisdictions' ethics agencies.

The economic impact of the COVID-19 pandemic substantially reduced the number of requests for advice and for moonlighting waivers while also increasing the number of time-sensitive and challenging advice questions arising from the City government's response to the pandemic.

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Staff Letters	75	130	54	17
Waivers/(b)(2) Letters*	304	472	663	410
Board Letters, Orders, Opinions	297	63	28	31
Total Formal Advice	676	655	645	458
Total Requests for Formal Advice	787	696	825	602
Cases Administratively Closed	76	54	76	40
Formal Advice Output per Attorney	135	131	149	91
Informal Advice Output per Attorney	930	900	974	729
Pending Cases at Year End	114	103	105	52
Median Days to Respond to Formal Requests	33	29	38	52

* A "waiver" is a letter in which, with the written approval of the relevant agency head, the Board authorizes a current or former public servant to engage in conduct that would otherwise violate Chapter 68; most waivers are for second jobs with firms doing business with the City, known as "moonlighting waivers." A "(b)(2) letter" is Board authorization, with the written approval of the relevant agency head, for a public servant to use City time and certain City resources to do work for a non-City purpose, often a not-for-profit organization.

The Legal Advice Unit continued assisting the Board in its rulemaking work, including its ongoing review of its past advisory opinions and codification of those opinions that have interpretive value into Board Rules. In 2020, the Board held eleven open meetings and seven public hearings as part of its rulemaking, with the Legal Advice Unit guiding the Board to be one of the first City agencies to transition

to holding open meetings and public hearings via video conference under the emergency exception to the Open Meetings Law permitted by the Governor in Executive Order No. 202.1.

The Board engaged in rulemaking regarding:

- Amending its rules to implement legislative changes to the Affiliated Not-For-Profit Law that clarified aggregation rules, relaxed reporting requirements on unrestricted organizations, and permitted donors to unrestricted organizations to request anonymity from the organizations themselves ([Board Rules §§ 3-01 to 3-05](#)).
- Reorganizing and clarifying the rule governing the use of City time and City resources ([Board Rules § 1-13](#)).
- Creating a separate subsection to govern accomplice liability ([Board Rules § 1-17](#)).
- Interpreting Chapter 68's post-employment restrictions and codifying a standard for the issuance of post-employment waivers ([Board Rules § 1-07](#)).
- Codifying a standard for the use of a public servant's City title in promotional materials of non-City products, programs, or entities ([Board Rules § 1-18](#)).
- Updating, clarifying, and reorganizing the special rule regarding appearances by City Planning Commissioners on behalf of their private interests before other City agencies ([Board Rules § 1-09](#)).
- Revising the rule governing public servants' investments in publicly traded securities ([Board Rules § 1-04](#)).
- Revising the standard governing the acceptance of gifts of meals and refreshments at meetings ([Board Rules § 1-01 \(e\)](#)).
- Refining the standard for public servants' acceptance of gifts of official travel-related expenses ([Board Rules § 1-01 \(h\)](#)).
- Establishing a standard for the City's acceptance of gifts of tickets for use by agency employees to boost agency morale (Board Rules § 1-01 (i)).
- Codifying a standard for the acceptance of gifts by public servants during personal emergencies (Board Rules § 1-01 (j)).
- Codifying and refining advice related to the exchange of gifts between public servants (Board Rules § 1-01 (k)).
- Clarifying the steps a public servant must take to dispose of impermissible gifts (Board Rules § 1-01 (l)).
- Updating the definition of "other similar entities" so as to exclude public universities from the definition of "firm" ([Board Rules § 1-08](#)).

Enforcement

The work of the Enforcement Unit was significantly impacted by the move of most of the City’s workforce to teleworking in response to the COVID-19 pandemic. First, the Board received substantially fewer complaints of possible violations in 2020 relative to years prior, likely because City employees had fewer opportunities to misuse City resources or to be observed doing so. Second, because both the Enforcement Unit and investigators at the New York City Department of Investigation (“DOI”) were also teleworking, alternative means needed to be implemented for DOI to share evidence of violations with the Unit. Third, because the New York City Office of Administrative Trials and Hearings (“OATH”) discontinued in-person activities, all Board settlement conferences and hearings were conducted remotely. The Board is grateful to DOI and OATH for enabling the Board, even during this difficult year, to continue holding violators of Chapter 68 accountable for their conduct.

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Complaints Received	392	399	361	203
Public Findings of Violations	87	98	86	50
Public Warning Letters	8	6	4	6
Fines Collected	\$100,225	\$218,902	\$233,050	\$67,450

In 2020, the Board addressed significant conflicts of interest violations by several high-level City employees:

1. New York City Council Member

A New York City Council Member paid a \$5,000 fine for using her City position to avoid receiving a traffic ticket after she was pulled over by a New York City Police Department (“NYPD”) Officer for using her cell phone while driving. The Council Member, who was then the Chair of the Council’s Committee on Public Safety, which has oversight over the operations and budget of NYPD, called the Deputy Chief of the Officer’s precinct, with whom she interacted regularly in her Council capacity, and told the Deputy Chief that the Officer was issuing her a summons for using her cell phone while driving, which the Council Member denied doing. In

response, the Deputy Chief directed the Officer not to issue the summons and the Officer did not issue a summons.⁵

2. Former New York City Council Member

The Board imposed a \$15,000 fine on a now-former Council Member who, while he was a Council Member, accepted 18 valuable gifts from a not-for-profit organization that was doing business with the City, including by receiving \$841,000 in discretionary funding sponsored by the Council Member. The now-former Council Member accepted: free accommodations at an all-inclusive resort in the Poconos for himself on five occasions, for his wife on four occasions, for his son on two occasions, and for his sister and nephew on one occasion; free tickets to a dinner cruise for family members (his sister, niece, and two nephews); and free flowers for his wife on another dinner cruise. After a full trial, an Administrative Law Judge (“ALJ”) at OATH determined that the now-former Council Member violated City Charter § 2604(b)(5) by accepting each of those gifts, and recommended a \$15,000 fine. The Board issued an order adopting the ALJ’s findings of fact, conclusions of law, and recommended penalty.⁶

3. Executive Director of the New York City Board of Elections

The Executive Director of the New York City Board of Elections (“BOE”) paid a \$2,500 fine for accepting a two-night stay at a Manhattan hotel, the cost of which was approximately \$760, from a vendor that supplies products and services to BOE. At the time he accepted the hotel stay, the Executive Director was serving as an unpaid member of the National Customer Advisory Board for the vendor. The hotel stay related to a meeting of the Advisory Board. The Executive Director was advised by the Conflicts of Interest Board that the vendor could pay for his travel expenses to attend Advisory Board meetings as appropriate to fulfill the City purpose of his attendance. However, the Board determined that there was no City purpose for the Executive Director, who lives in Staten Island, to accept a hotel stay in conjunction with an Advisory Board meeting held in Manhattan.⁷

⁵ COIB Case No. 2016-603 (2020).

⁶ OATH Index No. 0747/19, COIB Case No. 2017-110 (Order Dec. 8, 2020).

⁷ COIB Case No. 2018-904 (2020).

4. Former President & Chief Executive Officer of
New York City Health + Hospitals

The now-former President & Chief Executive Officer of New York City Health + Hospitals paid a \$2,500 fine for discussing a potential position with Northwell Health during the same time period that he discussed having Northwell take over management of the day-to-day operations of the Coney Island Hospital clinical laboratory and signed an Exception to Policy to permit Health + Hospitals to execute an agreement with Northwell to do so. A few months later, the President/CEO received and accepted an offer of employment from Northwell.⁸

⁸ COIB Case No. 2017-458 (2020).

Annual Disclosure

At the start of 2020, the Annual Disclosure filing period was scheduled for April 6 to May 1, 2020. In response to the COVID-19 pandemic, the Board delayed the filing period to October 26 to November 20, 2020. Working with agency liaisons Citywide, the Annual Disclosure Unit planned a new process for the distribution and mailing of filers' packets to access their temporary passwords (a process that had historically happened through in-person distribution). With the patience and assistance of over 100 agency liaisons, the Unit helped the City's filing population of over 9,500 successfully file their annual disclosure reports.

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Reports Filed*	9,626	9,654	9,878	9,599
Filing Compliance Rate	98.5%	98.5%	98.6%	98.5%
Reports Reviewed**	9,014	8,792	8,984	760***
Review Letters Sent for Potential Conflicts	458	195	165	79
Late Fines Collected	\$29,001	\$36,500	\$28,750	\$250
Certifications of Compliance Issued for Filers Leaving City Service	688	679	646	546
Requests for AD Reports	1,293	1,232	428	309

* Reports are filed in the year following the year to which they pertain. Thus, 2019 reports, covering calendar year 2019, were filed in 2020.

** Termination filings are not reviewed.

*** Because the 2020 filing period was delayed due to the COVID-19 pandemic, the review of reports extended into 2021.

All candidates for public office are required to file annual disclosure reports with the Board. In 2020, three Special Elections were held, and the Annual Disclosure Unit continued its work with the City's Campaign Finance Board and Board of Elections to prepare for the 2021 Citywide elections.

<u>2020 Special Elections</u>	
City Council District 12	9 Candidates (6 filed)
City Council District 37	3 Candidates (all filed)
Queens Borough President	6 Candidates (all filed)

Additionally, the Board's Order finding that a Claims Specialist in the Office of the Comptroller was required to file an annual disclosure report was upheld by the New York State Supreme Court. *Roman v. Conflicts of Interest Board*, Index No. 100833/2019 (Feb. 21, 2020).

2020 Filers	
Electronic Financial Disclosure Filers	8,936
Uncompensated Policymaking Boards and Commissions Filers	245
Public Authorities Accountability Filers	236
Tax Assessor Filers	167
Candidate Filers in Special Elections	15

In 2020, the Board held open meetings and public hearings for the following Annual Disclosure rules:

- The Board amended Board Rules §§ [4-01](#), [4-02](#) and [4-03](#) (effective November 6, 2020) regarding filing extensions, retention of reports, and policymaking filers to reflect current filing procedures and terminology, including those resulting from the Board's transition from paper filing to electronic filing of reports.
- The Board promulgated [Board Rules § 4-05](#) (effective July 1, 2020) in response to Local Law 128 of 2019, which amended the Campaign Finance Act to make public funds available to candidates as early as December of the calendar year preceding the election year. As a result, the annual disclosure filing requirements, a prerequisite to receiving matching public funds from the New York City Campaign Finance Board, were also amended by Local Law 128 to require candidates to submit annual disclosure reports by November 1 to receive matching public funds in December or January. For candidates who do not meet this November 1 deadline, Board Rules § 4-05 specifies the deadlines by which candidates must submit annual disclosure reports in order to receive matching public funds in February, March, or April of the election year.