

New York City Conflicts of Interest Board

Annual Report 2000





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LETTER TO THE MAYOR

December 31, 2000

Honorable Rudolph W. Giuliani
Mayor of the City of New York
City Hall
New York, NY 10007

Dear Mayor Giuliani:

On behalf of the Conflicts of Interest Board, I am pleased to submit this report of the Board's work for 2000. While the Board's activities during this past year are set out more fully in the body of the report, the following highlights deserve special mention.

Training and Education

In 2000, the Board conducted 377 training classes, compared with 92 in 1999, a four-fold increase in one year. Fifty-nine percent of the classes in 2000 were for the Board of Education, conducted at over 100 locations. In addition, in 2000, Board staff held at least one class in each of 34 different City agencies and mayoral offices.

In July 2000, the Board received State approval to grant Continuing Legal Education credit to City attorneys who take the Board's conflicts of interest class. From August through December 2000, Board staff conducted 22 CLE classes for 430 attorneys from 28 agencies. The Board also held its "Sixth Annual Seminar on Ethics in New York City Government" at New York Law School on March 16, 2000, which was attended by more than 200 public servants from over forty City agencies. In 2000, the Board increased its outreach efforts to City vendors and contractors, to remind them of the ethics rules for City employees as a way to prevent conflicts of interest.



The Board was gratified to learn that DOT Commissioner Weinshall has mandated ethics training for *all* DOT personnel. The Board has been working with DOT and other agencies on a "Train the Trainer" initiative to develop an ethics-training curriculum for agency training staffs to present to their employees.

During 2000, the Board issued a number of new publications, including a revision of the plain language guide to Chapter 68 and a new series of plain-language leaflets called "What You Should Know." Most of the Board's publications, including the text of Chapter 68, the Board's rules, the Financial Disclosure Law, the plain language guide, and the leaflets are now available on the Board's web site.

Requests for Advice and Rulemaking

During 2000, the Board received 535 written requests for advice from current and former public servants as to the propriety of their proposed activities or interests under Chapter 68, an all-time high and a 16% increase over the 461 requests received in 1999. During 2000, the Board issued 241 staff letters; 179 waiver and (b)(2) letters; and 52 Board letters, orders, or advisory opinions. These 472 responses, also an all-time high, reflect a 2% increase over the 463 written opinions issued in 1999. At year-end, the Board had pending before it 50 written requests for advice, in contrast to 34 written requests pending on December 31, 1999, although the median age of these 50 pending requests was only 24 days.

In 2000, the Board adopted two amendments to its rule on "valuable gifts." In the first amendment, the Board added references to other provisions of law and regulation, including the criminal law, governing the acceptance of, and the reporting of, gifts. In the second amendment, the Board changed portions of the gift rule governing attendance at annual events of City charities and associations.



Enforcement

During 2000, the Board had the largest number of new enforcement complaints (148) in its history, an 83% increase over 1999. So, too, the Board disposed of the most complaints (117) ever in a single year, a 41% increase over 1999. The number of dispositions imposing fines during 2000 was ten, plus two public censure letters; the fines imposed amounted to \$27,525, of which \$21,766 was collected by year-end. In addition, the Board received complete payment of the \$84,000 fine in the matter of *COIB v. Kerry Katsorhis*, COIB Case No. 94-351. This was the largest fine ever assessed by the Board.

In 2000, the Board published enforcement results in cases concerning such Charter Chapter 68 violations as hiring a business associate for a City job; using City time, phones, computers, and fax machines for private consulting work; renting apartments to or from subordinates; using a subordinate to perform private, non-City work; accepting a free trip to an awards ceremony from a firm doing business with the City; holding a political fundraiser while a high-level official with substantial policy discretion and inviting guests who had business dealings with one's own agency or with the City; using one's position to obtain a job for one's spouse at one's own agency and attempting to obtain a promotion for the spouse; violating the revolving door rules; selling tickets for a political fundraiser to a subordinate teacher during school hours in one's school office; working at a gas station at times when one was required to inspect buildings for the City; using one's position to obtain a benefit for oneself by renting an apartment in a building that one was assessing, an apartment that was not available to anyone else; using City equipment to service a private wastewater facility where one was moonlighting; purchasing a computer from one's subordinate; and voting to select the winning bidder (of two bidders responding) on a City RFP where the winning bidder had entered into a barter



relationship the previous year with one's husband. In the case involving the free trip to the awards ceremony, the Board defined for the first time the duties of high-level public servants to inquire about the business dealings of the donor before accepting gifts.

Financial Disclosure

The overall compliance rate with the financial disclosure law continues to exceed 98%. During 2000, the Financial Disclosure Unit eliminated the majority of active non-filers and late-filers for 1997 and 1998. At year-end, the Unit was pursuing all active 1999 non-filers and late filers, preparing to litigate against those public servants early in 2001. During 2000, the Board collected \$38,650 in late filing fines. Since the Board assumed responsibility for financial disclosure in 1990, it has collected \$361,448 in financial disclosure fines, as of December 31, 2000.

As the Board has previously stated, the City's financial disclosure law far exceeds the state mandate, requiring many persons to file who have little or no likelihood of conflicts of interest, with the resultant waste of time, money, and resources by the filers, their agencies, and the Board. Working with the Law Department, the Board has therefore proposed to eliminate from the list of required filers those types of public servants for whom, in the experience of the Board, no substantial reason exists for filing financial disclosure reports. During 2000, the Board also continued to press for additional funding to complete the electronic filing system project.

Conclusion

At year-end, the Board remained cautiously optimistic about its long-term future. Despite the Board's efforts to make its salaries more competitive with those of other City agencies, however, the



Board continued to lag behind in that area. As a result, while the Board is able to attract excellent employees, it too often loses them to other City agencies because of salary disparities. During 2000, the Board lost both of the staff attorneys in its Legal Advice Unit, who accepted positions at other City agencies (Human Rights and HRA) at substantially higher salaries. And when the Unit sought to backfill one of those two positions, it discovered that it had to increase the salary by over \$10,000, dislocating the Board's attorney salary structure and depriving the agency of funds desperately needed for other salary increases.

In addition, while the Administration and the Council have been extremely supportive of the work of the Board during the past several years, no suitable assurances exist that future mayors and Councils will continue this commitment to appropriate funding levels for ethics in City government. This is a matter that remains to be addressed.

Respectfully submitted,



Benito Romano
Acting Chair



INTRODUCTION

The year 2000 marked the eleventh anniversary of the Conflicts of Interest Board and the forty-first anniversary of its predecessor agency, the Board of Ethics. Created by Chapter 68 of the revised New York City Charter, effective January 1990, and vested with broad responsibilities, the Board includes among its Charter-mandated duties educating City officials and employees about Chapter 68's ethical standards, interpreting Chapter 68 through the issuance of formal advisory opinions and promulgation of rules, responding to requests from current and former public servants for advice and guidance, prosecuting violators of Chapter 68 in administrative proceedings, and administering and enforcing the City's financial disclosure law.

This report thus reviews the Board's activities in each of the following areas during 1999: (1) training and education; (2) responses to inquiries from City employees for guidance; (3) administrative rules; (4) enforcement proceedings; (5) financial disclosure; and (6) budget and staff.

MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

Appointed by the Mayor and confirmed by the City Council, the Board's five members serve six-year staggered terms. Under the Charter, the members must be selected on the basis of their "independence, integrity, civic commitment and high ethical standards." They may not hold public office or political party office while serving on the Board.

Benito Romano, a partner in the law firm of Willkie, Farr & Gallagher, appointed to the Board in August 1994, serves as Acting Chair, pending the filling of the Board's two vacancies and the appointment of a new Chair.

Bruce A. Green, a professor at Fordham University School of Law, was appointed to the Board in November 1995.



Jane W. Parver, a partner at Kaye, Scholer, Fierman, Hays & Handler, was appointed to the Board in August 1994.

The Board's 23-member staff is divided into six units: Training and Education, Legal Advice, Enforcement, Financial Disclosure, Administration, and Management Information Systems. The staff, listed in Exhibit 1 at the end of this report, is headed by the Executive Director/Counsel, Mark Davies.

TRAINING AND EDUCATION

Training Sessions

In 2000, the Board conducted 377 training classes, compared with 92 in 1999. Fifty-nine percent of the classes in 2000 were for the Board of Education. These figures are summarized in Exhibits 2 and 3. This enormous increase resulted from the Board's increased outreach to schools and the Board's continued efforts to enroll additional agencies in providing training for their staffs. In 2000, Board staff held at least one class in each of 34 different City agencies and mayoral offices and added HPD, DCAS, DEP, DOITT, Parks, Buildings, and TLC to the roster of agencies where the Board has held multiple classes. Exhibit 4 summarizes these efforts. Four of the DEP classes took place in their upstate offices for their watershed staff. The Board continued its participation in the Procurement Training Institute and the Department of Citywide Administrative Service's Citywide Orientation program for new City employees.

COIB classes are interactive and engaging, explaining to public servants the basis and requirements of the law in plain language, providing them with high-quality, easy-to-understand publications, and letting them know how they can obtain answers regarding their specific situations. The feedback the Board receives about its classes is virtually all positive, and usually quite enthusiastic.



Board of Education

The COIB's outreach effort at the Board of Education continues to flourish. For the 1999-2000 school year, the COIB staff held a total of 169 classes at 109 BOE locations. Between the resumption of school in September and the year-end, the COIB held 84 classes at 71 locations, for a total of 221 BOE classes in calendar year 2000, in contrast to 23 BOE classes in calendar year 1999. COIB staff conducted briefings for principals at district and borough-wide meetings in conjunction with the Board of Education's Ethics Officer, and then followed up with classes at individual schools. Every class participant received a BOE-specific ethics booklet containing the answers to frequently asked questions. The COIB has distributed nearly 10,000 copies to BOE personnel throughout the City and recently released the third edition of the booklet. The COIB is also exploring the possibility of having Conflicts of Interest Board information placed on the Board of Education's teacher training Web site.

CLE Classes

In July, the Board received State approval to grant Continuing Legal Education credit to City attorneys who take the Board's conflicts of interest class. From August through December 2000, Board staff conducted 22 CLE classes for 430 attorneys from 28 agencies. The excellent reception these classes received throughout City government was revealed by the evaluations of participants, as 99% of the marks were either excellent or good. Conducting CLE classes helps the Board to reach City lawyers, those employees entrusted with the legal counsel of agency personnel. Training agency attorneys on the City's ethics laws assures the Board that employees in oversight positions are knowledgeable of the law and that they are able to identify possible violations *before* those violations occur – and thereby prevent them. CLE classes have also proved helpful in encouraging agencies to consider providing Chapter 68 classes for additional personnel.



Train the Trainer

The Board was gratified to learn that DOT Commissioner Weinshall has mandated ethics training for *all* DOT personnel. The Board has been working with DOT and other agencies on a “Train the Trainer” initiative to develop an ethics training curriculum for agency training staffs to present to their employees. Now that all DOT staff will receive ethics education, the COIB will support this program with technical support for DOT’s training staff and printed material geared expressly to that agency. DEP and Parks have also committed to having a conflicts of interest class as part of their training curriculum or including information on the law in their orientation sessions for new employees.

Even with all the growth the Board has achieved in training and education, with more than 400 classes conducted over the last 18 months, the Board is still scratching only the surface in fulfilling its goal to provide ethics education for *every* public servant. The Board will continue to work with the administration in encouraging agencies to offer ethics training and will continue to press agencies to provide such training.

Publications

During 2000, the Board issued a number of new publications.

What You Should Know: A Plain Language Guide to Ethics was updated and retitled “*Ethics 2000*.” It is posted on the Board’s Web site, in addition to being distributed as the Board’s training class text. The Board also created a new series of plain-language leaflets called “What You Should Know,” with titles reviewing the process for obtaining moonlighting waivers and the ethics rules for job hunting and political activities. The Board began publishing a new “Special Topics” series of outlines based on the Conflicts of Interest Law monograph, which the agency wrote for the *CityLaw* Monograph series published by the Center for New York City Law. At



year-end, Board staff were in the process of upgrading all of the agency's print publications to prepare them for posting on the Web, where every City agency (and, indeed, everyone with Internet access) will be able to download them.

The Training and Education Unit continues to update, design, and publish all of the Board's literature. The graphical and design quality of the Board's publications continues to rise, thanks to the purchase of new equipment that enables the Board to produce professional quality material, in-house, as it is needed. The purchase of the technologically advanced system has given the agency the capability to exchange all information electronically, transmit the information to where it needs to be distributed, and electronically archive virtually all agency documents.

The Board continues to publish, in-house, its annual reports and the *Ethical Times* quarterly newsletter. Both publications are also posted on the Board's Web site.

Web Site, Audiotext, Faxback

The Board continues to upgrade its site on the City's home page. The texts of Chapter 68, the Board's rules, and the Financial Disclosure Law can now be downloaded, and frequently asked questions are now available for all of the topics covered by COIB leaflets. The Board is working with the Mayor's E-Government Office to post the Board's advisory opinions and published enforcement orders and settlements on-line in searchable form and, eventually, to enable the Board's "Attorneys of the Day" to answer inquiries sent via e-mail.

The Board continues to maintain and upgrade its audiotext and faxback systems, which permit callers to the agency to obtain brief messages on 14 Chapter 68 topics and 10 financial disclosure topics and to obtain any of 14 leaflets via telecopier. These services are available 24 hours a day, 365 days a year, just by calling the Board's main number.



Seminar

The Board's "Sixth Annual Seminar on Ethics in New York City Government" at New York Law School on March 16, 2000, was a great success. More than 200 public servants attended, representing over forty City agencies. Council Speaker Peter Vallone delivered keynote remarks. In 2001, an election year, the seminar will be devoted to reviewing the law's restrictions on political activities and post-City employment.

Vendor Outreach

Following the Board's October 1999 seminar for City vendors at New York Law School, which heightened awareness among vendors of conflicts of interest rules that City employees must obey, the Board in 2000 increased its outreach efforts to City vendors and contractors, reminding them of the ethics rules for City employees as a way to prevent conflicts of interest. The Board reached out to members of the Procurement Policy Board's Advisory Council, who are associated with trade groups, offering to make a presentation at an association meeting or prepare material for a newsletter. Board staff have scheduled a presentation for the Human Services Council and have submitted an article for the General Contractors Association's weekly newsletter, reviewing the conflicts of interest law's restrictions on the interactions of public servants with private sector companies.

International Visitors and Associations

The Board continues to welcome visitors from around the world, often at the request of the United States Information Agency or the United States Office of Government Ethics. In 2000, the Board welcomed visitors from the People's Republic of China, Thailand, Australia, Brazil, and South Africa. In May, at the request of the United Nations Panel of Counsel, the Board's staff provided training at the U.N. on conflicts of interest and ethics enforcement as part of the U.N.'s efforts to revamp its internal disciplinary and ethics enforcement procedures by reference to our New York City model. In addition, the Board's Executive Director, Mark Davies, was



elected to the steering committee of the international Council on Government Ethics Laws (COGEL).

The Board's significant success in the training and education area in 2000 would have been impossible without the hard work of the Board's dedicated training and education unit staff: Director Les Taub, Senior Trainer Laura Denman, Publications Coordinator Kevin Moore, Trainer/Writer Joel Rogers, and Community Associate Martine Multidor.

REQUESTS FROM CITY EMPLOYEES FOR GUIDANCE

During 2000, as summarized in Exhibits 5 and 6, the Board received 535 written requests for advice from current and former public servants as to the propriety of their proposed activities or interests under Chapter 68, an all-time high and a 16% increase over the 461 requests received in 1999. As its training and education and enforcement efforts make the Board ever more widely known, the Board can expect these numbers to continue to grow. Board staff also fielded between five and fifteen telephone requests for advice each day, over 1,500 for the year.

During 2000, as summarized in Exhibits 7 and 8, the Board issued 241 staff letters; 179 waiver and (b)(2) letters; and 52 Board letters, orders, or advisory opinions. These 472 responses, also an all-time high, reflect a 2% increase over the 463 written opinions issued in 1999, an increase all the more remarkable in view of a four-month vacancy, during 2000, in one of the Board's three advice attorney lines. To maintain the high quality of its written advice, the Board in 2000 continued to build its computerized index of ethics topics, which files in retrievable form useful resource material, from staff e-mail exchanges to advisory opinions.

On December 31, 2000, the Board had pending before it 50 written requests for advice, in contrast to 34 written requests pending on December



31, 1999. This increase, however, resulted largely from the large influx of requests for advice received in the last months of the year, as evidenced by the fact that the median age of these 50 pending requests was only 24 days.

These excellent results are attributable to the Board's superb Legal Advice Unit, headed by its new Deputy Counsel, Wayne Hawley, former Executive Director of MFY Legal Services, with our former Associate Counsel Jennifer Siegel, current Associate Counsel Jessica Hogan, Assistant Counsel Bonnie Beth Greenball, Legal Intern Christopher Pawloski, and Patricia Green, Assistant to the Unit.

Among the Board's most notable 2000 formal advisory opinions were one addressing the Board's jurisdiction over charter schools (Advisory Opinion No. 2000-1); an opinion on the Board's criteria for granting waivers of the post-employment restrictions, especially for public servants leaving to work for not-for-profits (Advisory Opinion No. 2000-2); and one addressing a myriad of questions raised by gifts of tickets to public servants (Advisory Opinion No. 2000-4). The formal advisory opinions issued by the Board in 2000 are summarized at the end of this report, which also contains an index, by subject matter and by Charter section, of all formal advisory opinions issued by the Board since 1990.

The Board continues to distribute its formal advisory opinions to public servants and the public, to publish them in the *City Record*, and to include them on Lexis and Westlaw. Working in cooperation with the Mayor's Office of Operations, the Board expects that its advisory opinions will be added to the Web, in searchable form, in 2001, available free of charge to all.

In 2000, Board attorneys joined with the Training and Education staff in presenting two-hour continuing legal education (CLE) classes to City attorneys. The Board began this effort in the summer of 2000 and during 2000 taught 22 such classes to lawyers from, among other agencies, the City Council, the Department of Investigation, the Board of Education, and the



Human Resources Administration. Board attorneys also continued to write materials on Chapter 68 for publication, both in-house and for outside publications. This year saw the publication by Greenwood Press of a new international ethics book, entitled Government Ethics and Law Enforcement: Toward Global Guidelines, of which the Board's Executive Director was a co-editor and to which both he and the Deputy Executive Director/Chief of Enforcement, Joan Salzman, contributed chapters. Mark Davies also served as chair of the Ethics and Professional Responsibility Committee of the New York State Bar Association's Municipal Law Section. Ms. Salzman continued to serve as a member of the New York City Bar Association Committee on Government Ethics.

ADMINISTRATIVE RULES

In 2000, the Board adopted two amendments to its rule on "valuable gifts." In the first amendment, the Board added references to other provisions of law and regulation, including the criminal law, governing the acceptance of, and the reporting of, gifts. These references were intended to give the reader, in one location, a full understanding of the relevant rules on this topic. In this effort, the Board was aided considerably by the keen insights of the Department of Investigation, which brought to the Board's attention the need for amendment to the gift rule.

In the second amendment, which was adopted in December 2000, and which will be effective in January 2001, the Board changed portions of the gift rule governing attendance at annual events of City charities and associations. In its consideration of this amendment, the Board was helped considerably by Richard Weinberg and Felix Ciampa of the City Council's Legal and Governmental Affairs Division.



ENFORCEMENT

In 2000, the Board published the following enforcement results in a number of cases concerning Charter Chapter 68 violations.

The Board fined Human Resources Administration (HRA) Commissioner Jason Turner \$6,500 for hiring his business associate, Mark Hoover, as First Deputy Commissioner of HRA, without seeking or obtaining a waiver from the Board; for using his Executive Assistant to perform tasks for Turner's private consulting company, as well as for using City time, phone, computer, and fax machine for his private consulting work; and for renting an apartment for over a year from his subordinate, First Deputy Commissioner Hoover. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. [*COIB v. Jason Turner*]

The Board fined Human Resources Administration (HRA) First Deputy Commissioner Mark Hoover \$8,500 for leasing his own apartments to five of his HRA subordinates and to HRA Commissioner Jason Turner; for using an HRA subordinate to perform private, non-City work for him; and for using his official position to arrange for the state of Wisconsin to loan an employee to HRA and then housing that visiting consultant in his own apartment and charging and receiving \$500 for the stay, for which the City ultimately paid. Hoover also admitted using City equipment in furtherance of his private consulting business. This fine was the largest settlement fine ever obtained by the Board. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. [*COIB v. Mark Hoover*]

The Board announced that it had rebuked the NYC Police Commissioner Howard Safir for accepting a free trip to the 1999 Academy Awards festivities in Los Angeles. Revlon was the donor of the trip, valued



at over \$7,000. The Board defined for the first time the duties of high-level public servants to inquire about the business dealings of the donor. Because this was the first public announcement of this duty, and the business dealings of Revlon were small and difficult to discover, the Board declined to charge Safir with violating the Board's Valuable Gift Rule, which prohibits public servants from accepting gifts valued at \$50 or more from persons they know or should know engage or intend to engage in business dealings with the City. Safir repaid the cost of the trip. [*In re Howard Safir*]

The Board fined Cultural Affairs Commissioner Schuyler Chapin \$500 for holding a political fundraiser in his home for Fran Reiter, then a candidate for Mayor, and inviting guests who had business dealings with his agency or the City. The fine took into account that Commissioner Chapin believed he had sought legal advice and been advised incorrectly that the fundraiser was legal. Agency heads are not permitted to request any person to make political contributions to any candidate for elective office of the City. [*COIB v. Schuyler Chapin*]

The Board fined Frances T. Vella-Marrone, a former School Construction Authority official, \$5,000 for using her position to obtain a job for her husband at her agency and for attempting to obtain a promotion for him in 1996 and 1997. A 16-year-old girl was killed on January 9, 1998, in the area where Marrone's husband had removed a security fence at a public school construction site in Brooklyn. Mr. Marrone had not been supervisor on that site in the three months prior to the accident. [*COIB v. Frances T. Vella-Marrone*]

The Board fined the former Deputy Agency Chief Contracting Officer (ACCO) of the Department of Transportation (DOT) \$1,500 for violating the revolving door rules. Within two weeks of leaving City office for a firm that sought business with DOT, the employee (Egidio Paniccia) phoned his former supervisor, the DOT ACCO, and the Mayor's Office of Contracts and asked whether a contract had been awarded to his new employer, the GA



Group, Inc. This violated both the one-year ban on contacting one's former City agency on non-ministerial matters and the lifetime ban on appearing before the City on the same particular matter one worked on for the City. [*COIB v. Egidio Paniccia*]

An Assistant Principal settled a case with the Board and the Board of Education in which he admitted selling two tickets to a political fundraiser to a subordinate teacher during school hours in his school office. The Assistant Principal received a cash payment for these tickets and had another subordinate deliver them to the teacher. The conflicts law prohibits superiors from even requesting political contributions from their subordinates. The Assistant Principal agreed to pay a \$2,500 fine. [*COIB v. Serge Rene*]

The Board fined a former housing inspector for working at a gas station in New Jersey at times when he was required to inspect buildings in New York. The \$250 fine, which ordinarily would have been higher, took into account the fact that inspector John Lizzio had agreed to resign from the City's Department of Housing Preservation and Development. This was the first case of abuse of City time under the Board's new Rule 1-13, which prohibits City employees from engaging in personal and private activities on City time, absent approval from their agency head and the Board. [*COIB v. John Lizzio*]

A Tax Assessor working for the City's Department of Finance (DOF) assessed a residential building in Queens and noticed a vacant basement apartment. The apartment was not publicly advertised for rent. Several days after conclusion of the assessment, the inspector telephoned the landlord and asked to rent the apartment. The landlord rented the apartment to him. The assessor admitted that he violated the ethics laws by using his position to obtain a benefit for himself (i.e., the apartment) that was not available to anyone else. He entered into a three-way settlement with the Board and DOF and paid a \$625 fine. [*COIB v. Sullivan*]



A sewage treatment worker at the Department of Environmental Protection (“DEP”) entered into a three-way settlement with COIB and DEP in a case where he admitted using DEP equipment to service a private wastewater facility where he was moonlighting and agreed to pay an \$800 fine. [*COIB v. David Carlin*]

A Manager at the Department of Information Technology and Telecommunications settled a case in which he admitted purchasing a computer from his subordinate for \$1,350. The ethics law prohibits superiors and subordinates from entering into business transactions with each other. The manager agreed to settle the case by paying a \$1,000 fine. [*COIB v. Ivan Rosenberg*]

The Board issued a public warning letter to the Traffic Safety Director, Sara Pecker, of the Queens Borough President’s Office (QBPO). Ms. Pecker acted as one of three QBPO employees who voted to select the winning bidder (of two bidders responding) on a QBPO request for proposals (RFP). At the time of her vote, Ms. Pecker knew that one of the bidders (who later won the bid unanimously) had entered into a barter relationship the previous year with Ms. Pecker’s husband, an attorney, to provide computer services in exchange for office space. Although it declined to bring an enforcement action, the Board wrote that the better practice under Charter § 2604(b)(2) would have been for Ms. Pecker to disclose her husband’s business relationship and to offer to recuse herself from the selection process. This was so because the failure to disclose the family business relationship could have given rise to an appearance of impropriety and could have compromised Ms. Pecker’s duty of undivided loyalty to the City. Ms. Pecker agreed to allow the Board to make the warning letter public. [*In re Pecker.*]

As Exhibits 9 and 10 show, this year the Board has had the largest number of new enforcement complaints (148) in its history, an 83% increase over 1999. So, too, the Board has also disposed of the most complaints (117) ever in a single year, a 41% increase over 1999. As can be seen from



the above summaries, there were several high profile settlements this past year involving, for example, former Police Commissioner Safir, HRA Commissioner Jason Turner, HRA First Deputy Commissioner Mark Hoover, and Cultural Affairs Commissioner Schuyler Chapin. The Enforcement Unit has also brought about several “three-way settlements” with other City agencies such as those in *Christopher Sullivan* (with DOF), *Serge Rene* (with BOE), and *David Carlin* (with DEP). The Board attributes the increase in new complaints to the increased visibility of its enforcement efforts and to the increased awareness of the Charter through the efforts of the Board’s Training and Education Unit. As shown in Exhibits 9 and 11, the number of dispositions imposing fines during 2000 was ten, plus two public censure letters; the fines imposed amounted to \$27,525, of which \$21,766 was collected by year-end. In addition, the Board received complete payment of the \$84,000 fine in the matter of *COIB v. Kerry Katsorhis*, COIB Case No. 94-351. This was the largest fine ever assessed by the Board.

The Enforcement Unit also created a “Chapter 68 Enforcement Case Summary,” a digest of the Board’s enforcement results for 2000 and years past. This document, a copy of which is appended to this report, will soon be available on the Board’s Web site for use by all City workers and members of the public as an easy reference guide to cases the Board has prosecuted.

During 2000, the Board referred 49 matters to DOI for investigation and received 23 reports from DOI.

The Unit and the Board continue rigorously to select only the most important and provable cases for enforcement and continue to benefit immensely from DOI’s investigation of these often complex cases.

In addition, in 2000, the Board collected financial disclosure reports and/or late fines from all but three City employees who were required to file financial disclosure reports and/or pay late fines for 1997 and 1998 but failed to do so. The Board accepted the OATH recommendations for fines



in two of the cases, and the enforcement staff will seek reconsideration by OATH of a minor point in the third case before seeking a Board order in that matter. At year-end, the Board was engaged in collecting financial disclosure reports and/or fines from delinquent City employees who have not filed required financial disclosure reports or paid their fines for 1999, due May 1, 2000. The Board plans to commence litigation early next year against those employees who fail to comply.

The Board's enforcement staff also acts as the Board's litigation arm, assisting the Law Department in defending Board decisions in court and in opposing inappropriate attempts to obtain Board records in civil and criminal court proceedings. The Board successfully fended off a court challenge by former City Sheriff Kerry Katsorhis to his \$84,000 fine, imposed by the Board upon Mr. Katsorhis for, in effect, running a private law practice out of the Sheriff's office. Mr. Katsorhis failed to perfect a timely appeal in the Appellate Division, First Department; that Court twice dismissed as untimely his Article 78 challenge to the Board's decision, first in April and again in July of 2000. On November 21, 2000, the New York Court of Appeals dismissed as untimely his motion for leave to appeal. As noted above, the Board collected the entire amount of this fine from Mr. Katsorhis. In addition, in a personal injury case arising from the collapse of a fire truck ladder, the enforcement staff prevented an attempt by one of the parties to obtain confidential Board records relating to the Board's imposition of a fine upon a former FDNY Battalion Chief involved in the purchase of the fire truck. The Board takes extremely seriously the Charter mandate that its records be kept confidential and takes pains to protect those records – if necessary, by litigation.

For all of these excellent enforcement results this year, the Board thanks its entire Enforcement Unit, including Joan Salzman, Deputy Executive Director and Chief of Enforcement; Peter Nadler, Deputy Chief of Enforcement; Astrid Gloade, Associate Counsel; Beth Gluck, Associate Counsel; and Varuni Bhagwant, Assistant to the Unit. The Board also extends sincere thanks to Commissioner Edward J. Kuriansky, First Deputy Commissioner Alain M. Bourgeois, Deputy Commissioner Peter M. Bloch,



and General Counsel Felicia A. Mennin, of DOI and to their entire staff for the invaluable work of DOI in Board matters.

FINANCIAL DISCLOSURE

The Board continues to have an excellent compliance record in financial disclosure. As detailed in Exhibits 12 and 13, the overall compliance rate with the financial disclosure law exceeds 98%. This superb record must be attributed in large part to the excellent work of the Financial Disclosure Unit: Jerry Rachnowitz, Director of Financial Disclosure; Joanne Giura-Else, Deputy Director; Holli Hellman, Senior Financial Disclosure Analyst; and Veronica Martinez-Garcia, Assistant to the Unit.

During 2000, the Financial Disclosure Unit worked closely with the Enforcement Unit in eliminating the majority of active non-filers and late-filers for 1997 and 1998. At year-end, the Unit was pursuing all active 1999 non-filers and late filers, preparing to litigate against those public servants early in 2001.

During 2000, as shown in Exhibit 12, the Board collected \$38,650 in late filing fines. Since the Board assumed responsibility for financial disclosure in 1990, it has collected \$361,448 in financial disclosure fines, as of December 31, 2000. Exhibit 14 compares the fines collected for each filing year.

Redefining Required Filers

As the Board has previously stated, the City's financial disclosure law far exceeds the state mandate, requiring many persons to file who have little or no likelihood of conflicts of interest. Requiring filing by public servants who are in positions unlikely to involve conflicts of interest wastes time – of the filers, of their agencies, and of the Conflicts Board - and robs the Board of money and resources it needs to conduct substantive reviews of targeted reports filed by officials who do face significant potential conflicts of interest.



Working with the Law Department, the Board has therefore proposed to eliminate from the list of required filers those types of public servants for whom, in the experience of the Board, no substantial reason exists for filing financial disclosure reports, namely, members of the Management Pay Plan in levels M1-M3 not otherwise required to file. In addition, to bring the City's financial disclosure law closer to the state mandate and to eliminate the need repeatedly to raise the salary threshold, the Board has proposed to replace the salary threshold with "policymaker," the term used in the state law. The Board has also proposed other, more technical changes for the financial disclosure law, such as requiring financial disclosure by write-in candidates who win a primary election and by candidates who fill a vacancy in a designation or nomination for City office. Currently such candidates are not required to file.

Electronic Filing System

This fall the E-Government Office reviewed again the Board's electronic filing system proposal. The software program itself is essentially complete, but the project has been under review since August 1998. The Board hopes that the E-Government Office and the Office of Operations will approve funding for the project, without which the Board cannot possibly hope to meet its Charter mandate to review every financial disclosure report for completeness and conflicts of interest. The new version of the program combines the DOI and COIB forms for those City employees who must file both. At year-end, the Board was hoping to initiate a pilot for May 2001, in which 1,000 public servants would file electronically. The Board's goal is to have all filers filing electronically within the next few years.

BUDGET AND STAFF

During 2000, the Board's Director of Administration, Ute O'Malley, her Deputy, Myrna Mateo, and their assistant, Jorge Matos, succeeded in keeping the Board's administrative boat afloat. The Board's MIS Director,



Anthony Bonelli, made great strides in substantially upgrading the Board's information technology.

At year-end, the Board remained cautiously optimistic about its long-term future. Despite the Board's efforts to make its salaries more competitive with those of other City agencies, however, the Board continued to lag behind in that area. As a result, while the Board is able to attract excellent employees, it too often loses them to other City agencies because of salary disparities. During 2000, both of the staff attorneys in its Legal Advice Unit accepted positions at other City agencies (Human Rights and HRA) at substantially higher salaries. As noted above, that loss has resulted in the Board's falling behind in responding to public servants' requests for advice. And when the Unit sought to backfill one of those two positions, it discovered that it had to increase the salary by over \$10,000, dislocating the Board's attorney salary structure and depriving the agency of funds desperately needed for other salary increases.

In addition, while the Administration and the Council have been extremely supportive of the work of the Board during the past several years, no suitable assurances exist that future mayors and Councils will continue this commitment to appropriate funding levels for ethics in City government. This is a matter that remains to be addressed.



**EXHIBIT 1
MEMBERS AND STAFF
OF THE
CONFLICTS OF INTEREST BOARD
AS OF DECEMBER 31, 2000**

Members

Benito Romano, Acting Chair

Bruce A. Green Jane W. Parver

Staff

Executive

Mark Davies, Executive Director/Counsel

Legal Advice

Wayne G. Hawley, Deputy Counsel
Jessica Hogan, Associate Counsel
Bonnie Beth Greenball, Assistant Counsel
Patricia E. Green, Legal Secretary

Enforcement

Joan R. Salzman, Deputy Executive Director/Chief of Enforcement
Peter M. Nadler, Deputy Chief of Enforcement
Astrid B. Gloade, Associate Counsel
Isabeth Ann Gluck, Associate Counsel
Varuni Bhagwant, Legal Secretary

Training and Education

Les Taub, Director of Training and Education
Laura Denman, Senior Trainer
Kevin Z. Moore, Publications Coordinator/Trainer
Joel A. Rogers, Trainer/Writer
Martine Multidor, Community Associate

Financial Disclosure

Jerry Rachnowitz, Director of Financial Disclosure
Joanne Giura-Else, Deputy Director of Financial Disclosure
Holli R. Hellman, Senior Financial Disclosure Analyst
Veronica Martinez Garcia, Administrative Assistant

Administrative

Ute O'Malley, Director of Administration
Myrna Mateo, Deputy Director of Administration
Jorge S. Matos, Administrative Assistant

Management Information Services

Anthony Bonelli, MIS Director

CONFLICTS OF INTEREST BOARD
EXHIBIT 2
TRAINING AND EDUCATION CLASSES ON CHAPTER 68
AS OF DECEMBER 31, 2000

<u>Year</u>	<u>Board of Ed Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes</u>
1995	0	24	24
1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377



EXHIBIT 3

TRAINING AND EDUCATION CLASSES ON CHAPTER 68

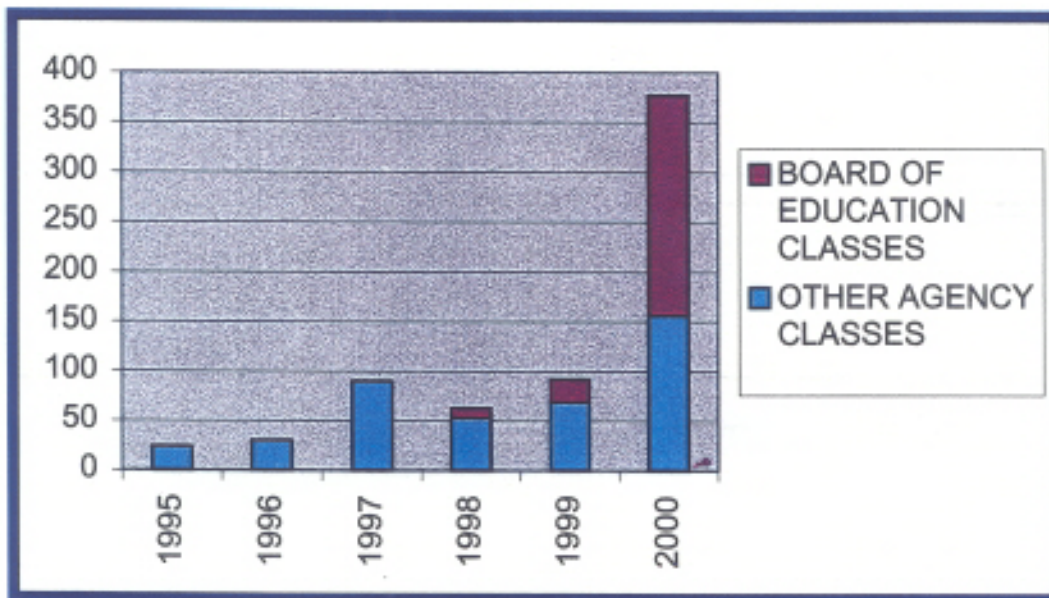


EXHIBIT 4
CHAPTER 68 TRAINING
BY AGENCY



Agencies underlined held three or more classes
Agencies listed in bold held ten or more classes

Art Commission	<u>DCAS</u> ³	Homeless Services	DoITT	Bronx BP
<u>Board of Education</u> ²	Finance	<u>HRA</u>	<u>NYPD</u>	Manhattan BP
1999				
BSA	Finance	Human Rights	<u>Sanitation</u>	Queens Boro Bd.
Board of Education ²	FDNY	DOI	<u>School Construction</u>	Queens Dist. Mgrs.
Buildings	Health	Law Dept.	<u>DOT</u>	
DCAS ³	Homeless Services	Parks	Public Advocate	
<u>Correction</u>	NYCHA	NYPD	Brooklyn BP	
2000				
ACS ¹	<u>DDC</u>	<u>HHC</u> ¹	Law Dept. ¹	Sanitation
Board of Education ²	<u>EDC</u>	<u>HPD</u>	<u>OATH</u> ¹	School Construction
Buildings	Finance	<u>HRA</u> ¹	OCB	<u>TLC</u>
Campaign Finance	FDNY	IBO	OLR ¹	DOT
CCRB ¹	<u>Health</u>	<u>DOI</u>	OMB ¹	Brooklyn CB's
DCAS ³	Homeless Services	DoITT	MOC	City Council ¹
DEP	NYCHA	Juvenile Justice	Parks	
<u>Correction</u>	Human Rights ¹	Landmarks	<u>NYPD</u>	

¹ CLE classes only.

² Board of Education includes the central board, school districts, and individual schools.

³ DCAS includes agency classes, Citywide orientation for new City employees, and the Procurement Training Institute.

EXHIBIT 5

REQUESTS FOR ADVICE ON CHAPTER 68

AS OF DECEMBER 31, 2000

Year	Requests Received
1996	359
1997	364
1998	496
1999	461
2000	535


A photograph of a classical building facade, likely a government or institutional building, featuring a series of columns and arches. The building is multi-storied with many windows. The image is positioned below the table.

EXHIBIT 6

REQUESTS FOR ADVICE ON CHAPTER 68

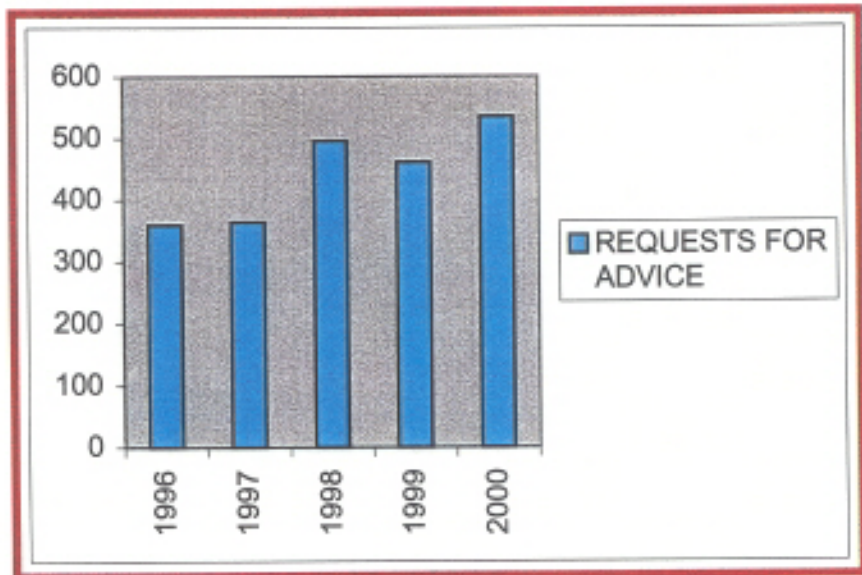


EXHIBIT 7

**RESPONSES TO REQUESTS FOR ADVICE
ON CHAPTER 68
AS OF DECEMBER 31, 2000**

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472

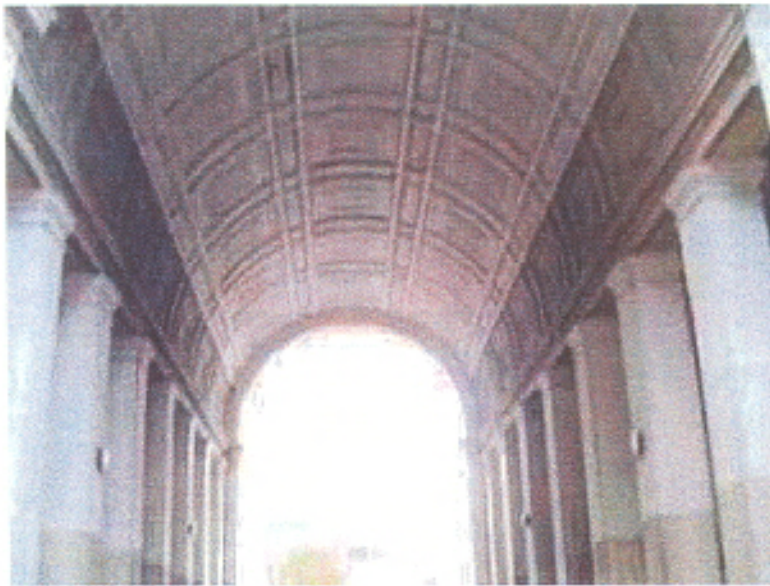


EXHIBIT 8

RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

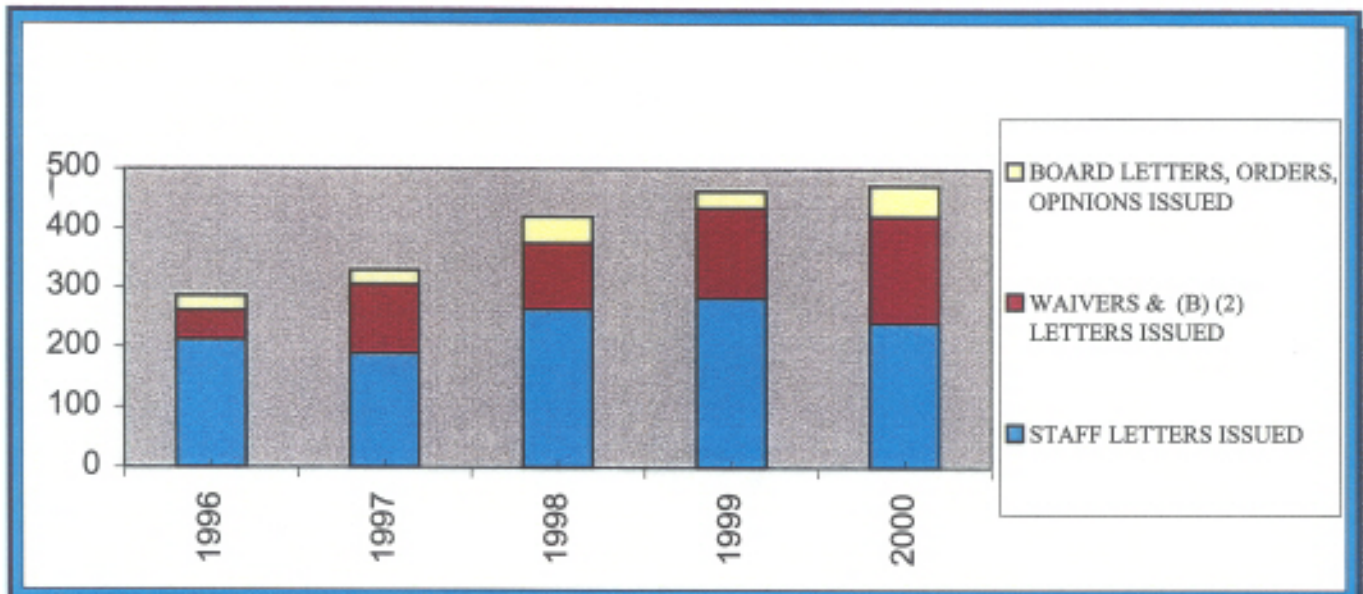




EXHIBIT 9
ENFORCEMENT CASES (CHAPTER 68)
AS OF DECEMBER 31, 2000

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
New Complaints Received	8	20	22	29	31	29	50	64	63	81	148
Dispositions	2	6	25	38	4*	33	32	54	76	83	117
Dispositions Imposing Fines	0	0	1	1	2	1	1	2	9	4	10
Public Censure Letters	0	0	0	0	0	0	1	0	0	0	2

* The Board lacked an enforcement attorney during much of 1994.

EXHIBIT 10

ENFORCEMENT COMPLAINTS RECEIVED

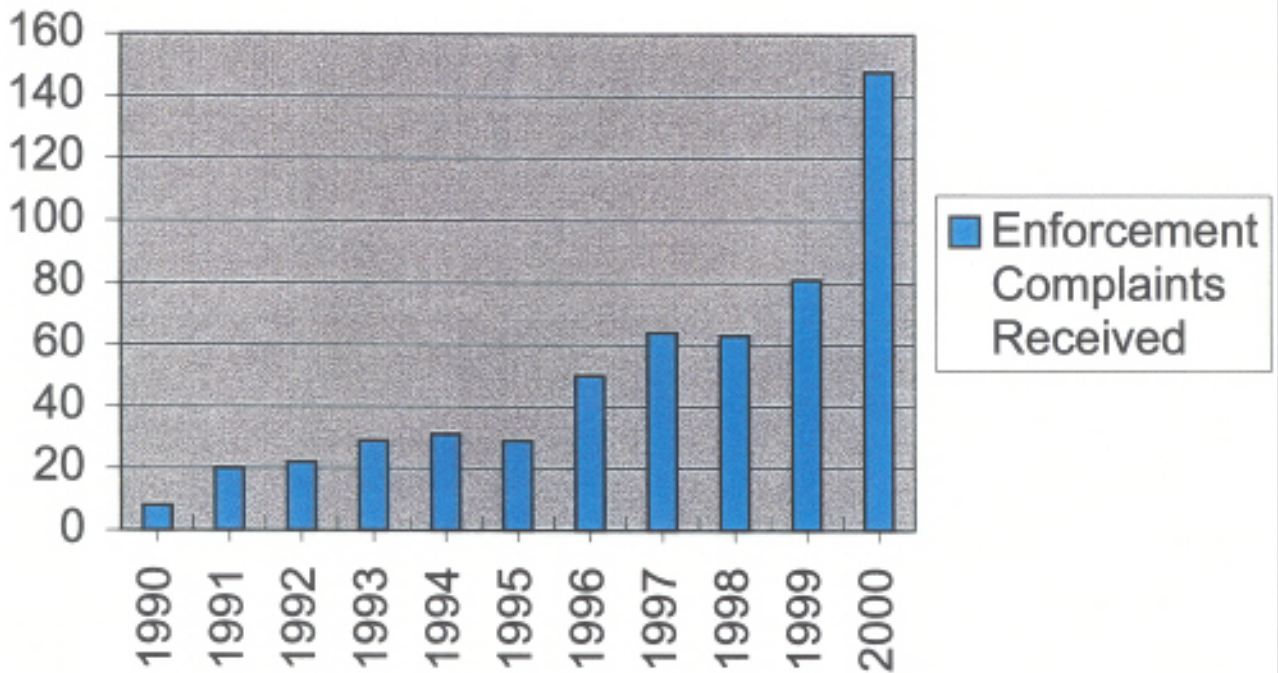


EXHIBIT II

ENFORCEMENT DISPOSITIONS

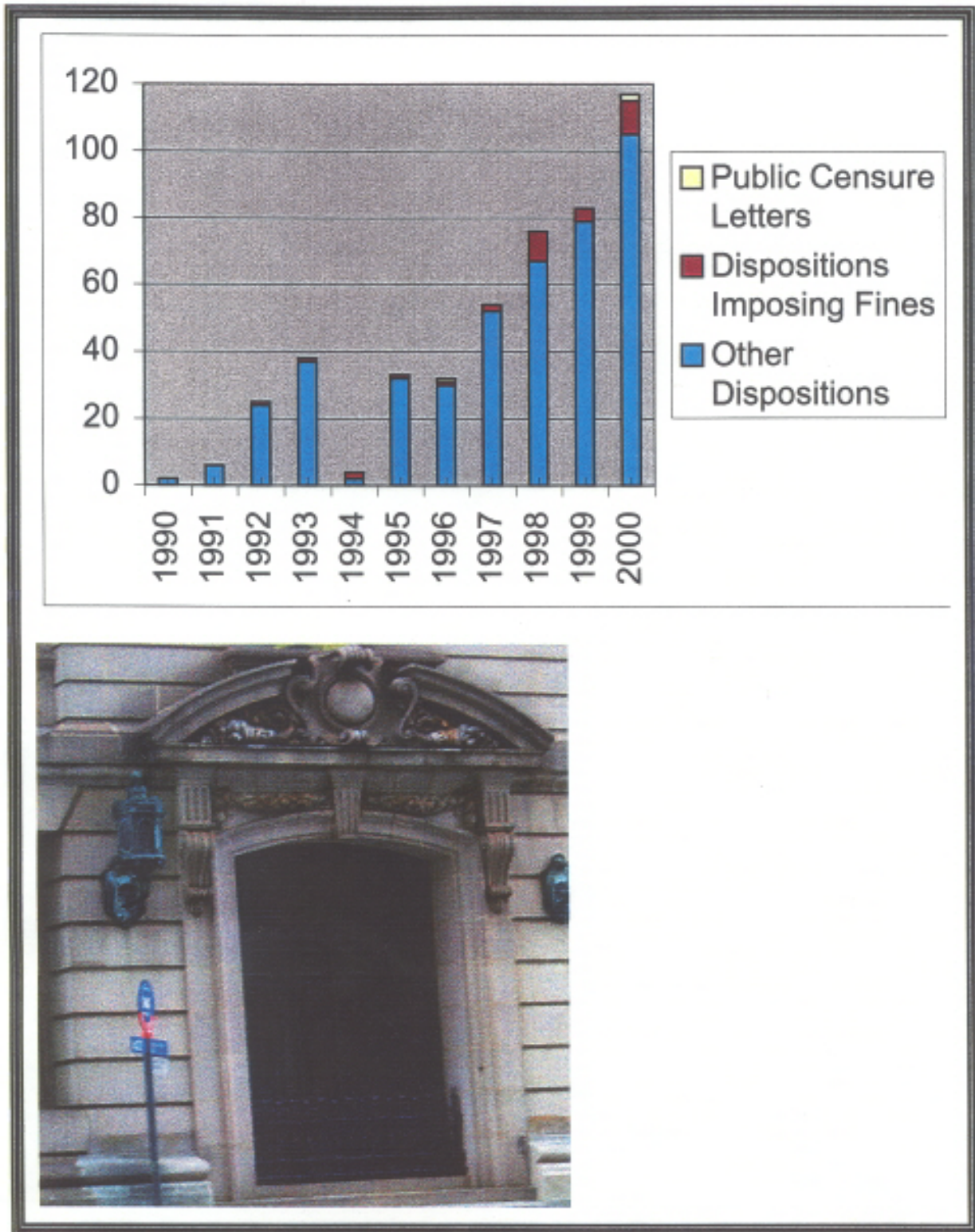




EXHIBIT 12
FINANCIAL DISCLOSURE REPORTS
AS OF DECEMBER 31, 2000

Calendar Year ("C.Y.")	Number of Reports Required for C.Y.	Reports Filed for C.Y.	Compliance Rate for C.Y.	Number of Fines Waived for C.Y.	Number of Fines Paid for C.Y.	Amount of Fines Paid for C.Y.	Current Non-Filers for C.Y. Act. Inact.*	Current Non-Payers for C.Y. Act. Inact.*
1994	11,898	11,703	98.4%	358	370	\$37,800	0 195	0 65
1995	11,464	11,323	98.8%	314	298	\$29,715	0 141	0 31
1996	11,846	11,719	98.9%	363	369	\$37,050	0 127	0 147
1997	11,647	11,567	99.3%	294	249	\$25,500	0 80	1 16
1998	12,178	12,046	98.9%	244	318	\$32,250	2 130	0 29
1999	12,546	12,377	98.7%	236	291	\$29,100	22 147	6 46
TOTALS:	71,579	70,735	98.8%	1,809	1,895	\$361,448**	24 820	7 334

* "Act." indicates current non-filers or non-payers who are current City employees. ("Non-payers" are late filers who have failed to pay their late filing fine.) "Inact." indicates current non-filers or non-payers who are no longer City employees.

** Includes fines collected for calendar years 1989 through 1993, the reports for which have been discarded pursuant to the Board's retention policy.

EXHIBIT 13

FINANCIAL DISCLOSURE REPORTS FILED

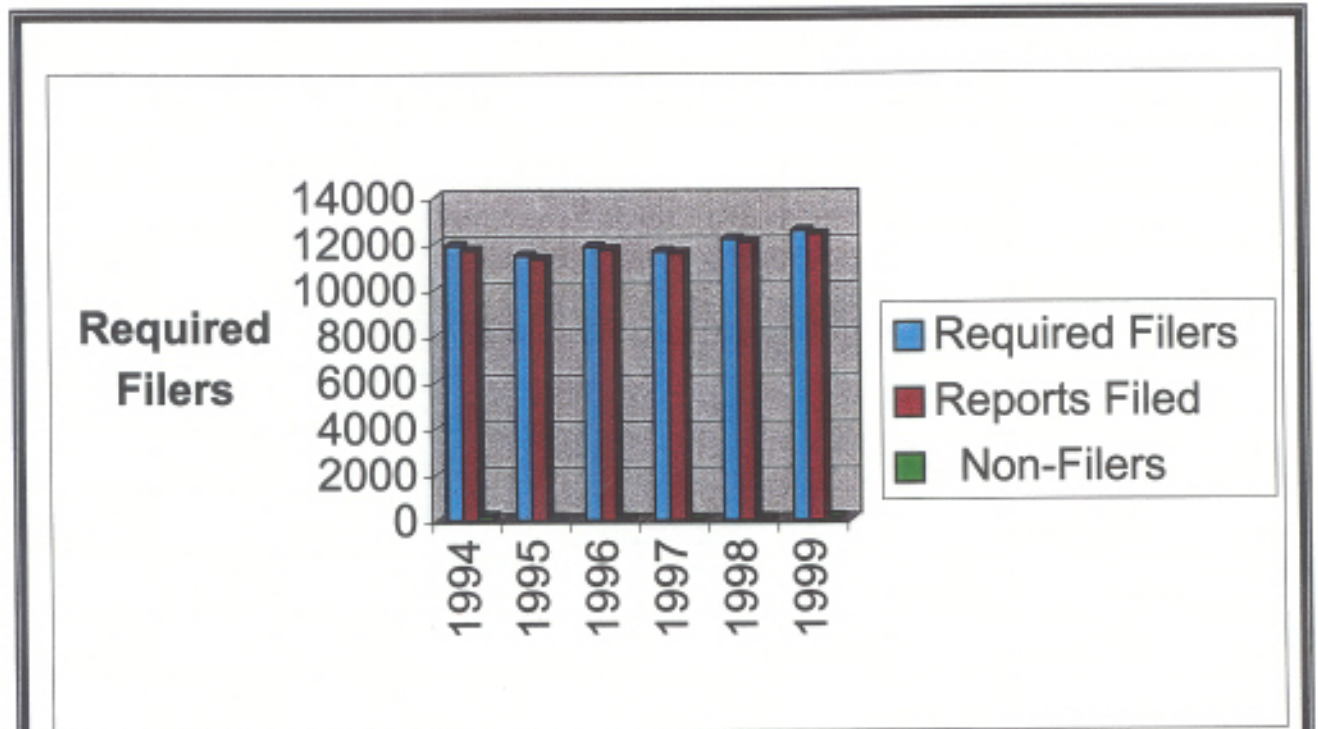
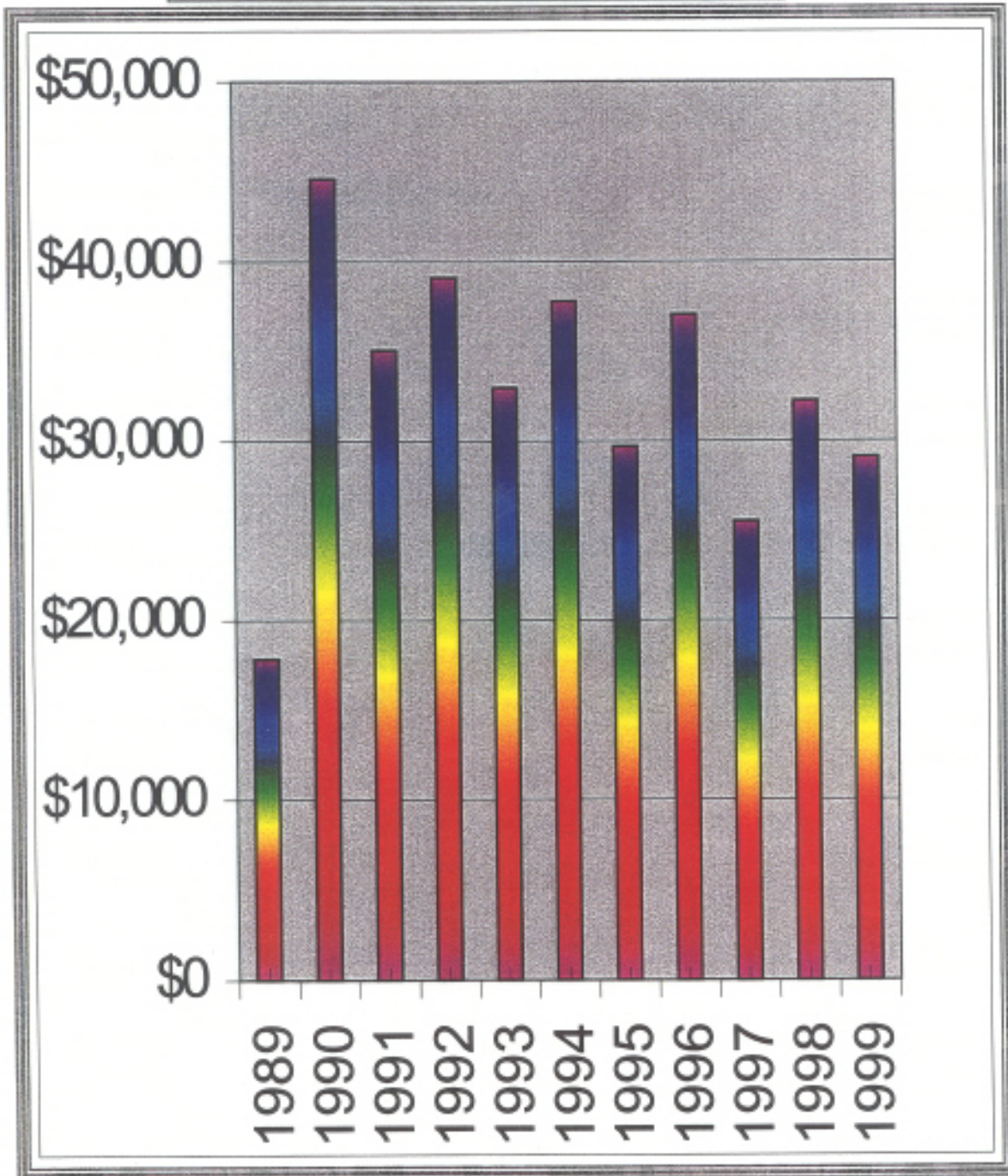


EXHIBIT 14

**FINANCIAL DISCLOSURE FINES
COLLECTED BY FILING YEAR**





ADVISORY OPINIONS OF THE BOARD

SUMMARIES AND INDEXES



ADVISORY OPINION SUMMARY

OPINION NO: 2000-1

DATE: 7/15/00

CHARTER SECTION(S) INTERPRETED: 2604(a)(1)(b)
2604(b)(5), (b)(6)
2604(c)(6)
2604(e)

SUBJECT(S): Charter Schools
Moonlighting

OTHER OPINION(S) CITED: 98-11
99-6

SUMMARY: Charter school officers and employees who have no New York City Board of Education ("BOE") or other City affiliation (e.g., who are not on leave from BOE or other City positions) are not subject to the provisions of Chapter 68. Charter school employees who are also BOE employees, including BOE employees on unpaid leaves of absence, are subject to Chapter 68, though only in their BOE role.



ADVISORY OPINION SUMMARY

OPINION NO: 2000-2

DATE: 7/28/00

CHARTER SECTION(S) INTERPRETED: 2601(4), (5), (17)
2604(d)(2), (d)(4), (d)(5), (d)(6)
2604(e)

SUBJECT(S): Post-Employment Restrictions
Waiver

OTHER OPINION(S) CITED: 93-8
93-13
94-7
94-15
94-19

SUMMARY: Based on the totality of the circumstances presented, the Board has determined that it would not conflict with the purposes and interests of the City for a former public servant, prior to the expiration of her one-year appearance ban, to work collaboratively with staff of her former City agency who are assigned to work at a not-for-profit center where she is the director.

The Board recognizes that, increasingly, City agencies have been developing partnerships with not-for-profit organizations that are performing services deemed to be in the City's interest. The Board now determines that, where a former City employee goes to work for a not-for-profit organization,



and where a waiver of the Charter's post-employment restrictions is sought, the criteria historically cited by the Board in evaluating such waiver requests, while not exhaustive, need not all be satisfied. These criteria are: (1) the relationship of the City to the public servant's prospective employer; (2) benefits to the City if the waiver were to be granted; (3) the likelihood of harm to other organizations similar to, or in competition with, a public servant's prospective employer if the waiver is granted; and (4) the public servant's particular skills that make him uniquely suited or particularly qualified for the position with the prospective employer. Depending upon the specific circumstances of the case, the Board may grant a waiver when one or more of these factors are particularly compelling.



ADVISORY OPINION SUMMARY

OPINION NO: 2000-3

DATE: 12/1/00

CHARTER SECTION(S) INTERPRETED: 2604(b)(2), (b)(3)

SUBJECT(S): Agency Heads
Appearance of Impropriety
Endorsements

OTHER OPINION(S) CITED: 91-1
95-2
98-6

SUMMARY: It would not violate the conflicts of interest provisions of the City Charter for the Commissioner of the New York City Police Department (the "NYPD") to write and sign a letter endorsing the New York City Police Museum (the "Museum"), a not-for-profit entity. The letter would appear as the introduction to a special limited edition of a book about the history of the NYPD published to raise funds for the Museum. The letter would identify the Commissioner by name and title. He would receive no compensation for this activity. Earlier opinions stated that there might be instances where the City's interest predominates over the interest of the endorsed entity, and the Board concluded that this is such a case.



ADVISORY OPINION SUMMARY

OPINION NO: 2000-4

DATE: 12/29/00

CHARTER SECTION(S) INTERPRETED: 2601(8)
2604(b)(3), (b)(5), (b)(13)

SUBJECT(S): Gifts
Tickets

OTHER OPINION(S) CITED: 92-33
95-14

SUMMARY: It would not violate Chapter 68 for an elected official or designated member of his or her staff to accept a gift of a ticket to an event, even where the sponsoring organization is funded by his or her office, regardless of the price of the ticket, when attending in his or her official capacity and when the conditions of Board Rules Section 1-01(f)(5) or 1-01(g) are met. In circumstances where the elected official or designated member of his or her staff has permissibly accepted a gift of a ticket to an event for his or her official use, it would likewise not violate Chapter 68 to accept one complimentary guest ticket, regardless of its value. It would violate Chapter 68 for a staff member of an elected official to receive for his or her personal use a gift of a ticket to an event, or gifts from the same donor of tickets to events over a 12 month period, with an aggregate value of \$50.00 or more, where the value is determined by their price to the public, not their price to the sponsoring organization. It would violate Chapter 68 for an elected official's office to accept a gift of a block of tickets with an



aggregate value of \$50.00 or more to be distributed to staff for their personal use, regardless of the value of the individual tickets, unless there was a City purpose for the gift. It would not violate Chapter 68 for members of an elected official's staff to accept an offer to purchase with their own funds, for their personal use, tickets to events, where access to those tickets is limited and where they are provided access because of their public office, provided that the public servant did not affirmatively seek to purchase tickets, in which case, depending on the circumstances, such solicitation might violate Section 2604(b)(3), so that the public servant who does not first inquire of the Board acts at his or her own peril. It would not violate Chapter 68 for an elected official's office to accept the gift of a block of tickets to a free event for the personal use of the office's staff, where access to such tickets is otherwise difficult and where the offer is made to the elected official's office because it is a public office, again provided that the public servant did not affirmatively seek the tickets, in which case, depending on the circumstances, such solicitation might violate Section 2604(b)(3), so that the public servant who does not first inquire of the Board acts at his or her own peril.



**CUMULATIVE INDEX TO ADVISORY OPINIONS
BY CHARTER SECTION
1990-2000**

<u>CHARTER §</u>	<u>OPINION #</u>				
2601(2)	90-2	91-3	91-12	93-11	
2601(3)	90-7 96-1	90-8	91-14	93-11	93-19
2601(4)	91-8 92-38	92-13 93-12	92-17 93-18	92-32 94-5	92-36 00-02
2601(5)	90-4 92-4 00-02	90-5 92-7	90-6 92-14	91-3 93-21	91-15 98-1
2601(6)	91-3	94-18			
2601(8)	90-1 93-7	90-2 94-27	90-3 95-11	92-5 98-2	92-7 00-04
2601(11)	90-1 93-1 94-6 99-6	91-2 93-3 94-10	92-11 93-5 94-13	92-16 93-17 95-26	92-31 94-1 98-5
2601(12)	90-2 93-3 94-1 95-26	92-7 93-7 94-6 98-7	92-22 93-17 94-8 99-6	92-31 93-22 94-18	92-34 93-29 95-18
2601(15)	91-8 92-38	92-5 93-12	92-17 94-5	92-32	92-36
2601(16)	90-1 92-9 94-10 95-21	91-2 93-7 94-13 97-3	92-5 93-17 94-18 98-2	92-6 93-22 95-10 98-3	92-7 94-3 95-18 98-5

CHARTER §**OPINION #**

2601(17)	93-8	93-12	95-23	00-02	
2601(18)	91-14	92-5	92-6	92-7	92-9
	92-30	93-5	93-7	93-16	93-17
	93-22	93-29	94-6	98-5	98-7
	98-8	99-6			
2601(19)	90-7	91-2	91-3	91-12	93-7
	93-10 (Revised)		93-29	94-6	98-5
	98-7				
2601(20)	91-12	93-7	94-6	98-5	98-7
2603(c)	90-2	92-19			
2603(c)(3)	92-6	92-9			
2604(a)	91-2	92-7	92-22		
2604(a)(1)	90-1	91-14	98-8		
2604(a)(1)(a)	91-2	91-3	92-5	92-31	93-2
	93-3	93-7	93-10 (Revised)		93-17
	93-19	93-22	93-29	93-32	94-6
	95-8	95-12	95-18	95-26	96-4
	98-5	98-7			
2604(a)(1)(b)	90-2	91-7	92-6	92-9	92-11
	92-30	92-34	92-35	93-4	
	93-10 (Revised)		93-16	93-20	93-27
	94-1	94-3	94-8	94-10	94-11
	94-13	94-16	94-18	94-20	94-25
	94-26	94-27	95-3	95-8	95-10
	95-11	95-15	95-16	95-17	95-21
	95-25	95-26	96-2	97-3	98-2
	98-3	98-5	98-7	99-2	99-6
	00-01				
2604(a)(3)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	

CHARTER §**OPINION #**

2604(a)(4)	92-5	92-6	92-9	92-11	92-35
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	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	
2604(a)(5)(b)	91-14				
2604(b)(1)(a)	92-22	94-28 (Revised)			
2604(b)(1)(b)	91-3	93-2	93-3	95-18	96-4
	99-1				
2604(b)(2)	90-2	90-4	90-5	90-7	91-1
	91-3	91-4	91-5	91-6	91-7
	91-10	91-11	91-16	91-18	92-7
	92-8	92-20	92-25	92-28	92-30
	92-34	92-36	93-1	93-5	93-9
	93-12	93-15	93-16	93-17	93-19
	93-21	93-24	93-25	93-26	93-28
	93-31	93-32	94-1	94-8	94-11
	94-13	94-14	94-16	94-24	94-25
	94-26	94-29	95-2	95-3	95-7
	95-9	95-11	95-12	95-16	95-17
	95-19	95-20	95-22	95-24	95-25
	95-26	95-27	95-28	95-29	96-2
	96-5	98-2	98-5	98-6	98-7
	98-8	98-10	98-12	98-13	98-14
	99-2	99-4	99-5	99-6	00-03
2604(b)(3)	90-4	90-5	90-6	90-9	91-1
	91-4	91-5	91-6	91-7	91-11
	91-15	91-16	91-18	92-3	92-4
	92-6	92-7	92-10	92-12	92-14
	92-23	92-25	92-28	92-30	92-31
	92-33	92-36	93-1	93-4	93-9
	93-10 (Revised)		93-12	93-14	93-16
	93-19	93-21	93-23	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-9	94-11
	94-12	94-13	94-16	94-17	94-20
	94-24	94-25	94-26	94-27	
	94-28 (Revised)		94-29	95-3	95-5
	95-9	95-11	95-12	95-14	95-16
	95-17	95-19	95-20	95-21	95-22

CHARTER §**OPINION #**

	95-24	95-25	95-26	95-27	95-28
	95-29	96-2	97-2	97-3	98-1
	98-2	98-3	98-5	98-7	98-8
	98-10	98-12	98-13	99-2	99-4
	99-5	99-6	00-03	00-04	
2604(b)(4)	91-11	92-30	92-34	92-36	
	93-10 (Revised)		93-16	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-11	94-13
	94-16	94-20	94-25	94-26	94-29
	95-3	95-9	95-12	95-16	95-17
	95-19	95-20	95-21	95-26	95-29
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ENFORCEMENT CASES

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SUMMARIES OF ENFORCEMENT CASES 1990-2000

COIB Case No. 90-383. A City employee identified himself to Con Edison by his City job title in an effort to restore his electrical service. Respondent admitted that his conduct created the appearance that he was attempting to misuse his position to secure a personal advantage. Charter Sections: 2604(b)(2). (10/26/92)

COIB Case No. 91-214. An employee of the Mayor's office was fined \$2,500 for using his official City letterhead to contest a parking ticket. Charter Sections: 2604(b)(3). (1/14/94)

COIB Case No. 91-223. A school superintendent admitted that his requesting his subordinate to guarantee the superintendent's apartment lease personally was a violation of the ethics laws. Charter Sections: 2604(b)(14). (5/4/93)

COIB Case No. 93-121. In *COIB v. Holtzman*, the NYS Court of Appeals upheld the Board's order fining former NYC Comptroller Elizabeth Holtzman \$7,500 for, among other things, failing to recuse herself from participating in the decision to award bond business to the affiliate of a bank to which she owed a campaign loan. In a significant ruling that will guide other ethics agencies nationally, the Court concluded that: "A City official is chargeable with knowledge of those business dealings that create a conflict of interest about which the official 'should have known.'" [*In re Elizabeth Holtzman, aff'd, 240 A.D.2d 254, 659 N.Y.S.2d 732 (1st Dept. 1997), aff'd, 91 N.Y.2d 488, 673 N.Y.S.2d 23 (1998)*] Charter Sections: 2604(a)(6), 2604(b)(3). (4/3/96)

COIB Case No. 93-282. An employee of the Parking Violations Bureau received meals having in the aggregate a value of more than \$50 without disclosing the gifts to his agency head under a superseded reporting



provision in the Valuable Gift Rule. He agreed to pay a \$500 fine. Charter Sections: 2604(b)(5). (2/11/94)

COIB Case No. 93-282A. A high-level City official involved in developing an RFP sent her resume to a potential bidder to that RFP, received free meals having an aggregate value exceeding \$50 from the potential bidder and had two job interviews with it. The City official paid a \$5,000 fine and admitted violating Chapter 68. Charter Sections: 2604(b)(5), 2604(d)(1)(ii). (7/25/95)

COIB Case No. 94-82. Raymond Davila, a former employee of the City Commission on Human Rights ("CCHR"), was fined for using CCHR letterhead, typewriters and office facilities for his own private clients. Davila wrote four letters on CCHR letterhead to agencies such as the U.S. Veteran's Administration and a U.S. Consulate on behalf of his private clients. He also listed his CCHR telephone number as the contact number on these letters. Finally, Davila admitted using his CCHR office to meet with a private client during his CCHR work hours to discuss her case and to receive payment from her. Davila admitted violating Charter Sections 2604(b)(2) and (b)(3) and agreed to pay a \$500 fine. The fine which would ordinarily have been substantially higher, reflected the fact that Davila is retired, ill and has very limited financial means. [*In re Raymond Davila*] Charter Sections: 2604(b)(2), 2604(b)(3). (11/23/99)

COIB Case No. 94-242. An Administrative Law Judge with the Parking Violations Bureau admitted that she had violated Section 2604(b)(2) by adjudicating two summonses issued to her father-in-law by dismissing one and reducing the fine on the other, attempting to cause PVB's records to credit her father-in-law's payment of the reduced fine and to eliminate late penalties, and adjudicating a summons issued to a neighbor by reducing the fine. [*In re Naomi Rubin*] Charter Sections: 2604(b)(2). (4/24/95)

COIB Case No. 94-351. The Board fined Kerry Katsorhis, former Sheriff of the City of New York, \$84,000 for numerous ethics violations. This is the largest fine ever imposed by the Board. Katsorhis habitually used City letterhead, supplies, equipment, and personnel to conduct an outside law practice. [*In re Kerry J. Katsorhis, appeal dismissed, M-1723/M-1904*]



(1st Dep't, April 13, 2000), appeal dismissed, __ N.Y.2d __, __ N.Y.S.2d __ (November 21, 2000)] Charter Sections: 2604(b)(2), 2604(b)(3). (9/17/98)

COIB Case No. 94-368. A City employee who served on a committee that recommended selecting a particular contractor for a \$10 million project, and later acted as manager of the project, sent to that contractor an unsolicited resume and letter that could be interpreted as a request for employment. The contractor was ultimately awarded the contract. The City employee was not given an interview or a job. The employee admitted violating Chapter 68 and was fined \$1,000. [*In re Sergio Matos*] Charter Sections: 2604(b)(2), 2604(b)(3), 2604(d)(1). (3/8/96)

COIB Case No. 95-45. The Board also fined a Deputy Commissioner of the City Human Rights Commission \$1,500 for subleasing an apartment from a subordinate attorney and for using City equipment in the private practice of law. [*COIB v. Randolph Wills*] Charter Sections: 2604(b)(2), 2604(b)(3), 2604(b)(14). (6/22/98)

COIB Case No. 96-404. The Board fined a former Resident Engineer of the Department of Citywide Administrative Services \$3,000 for consulting for pay for a private firm on the same City project (the Manhattan Criminal Court Building) on which the engineer had worked personally and substantially as a City employee. The engineer had been in charge of the project and then crossed over to the private sector on the same project. [*In re Vincent Fodera*] Charter Sections: 2604(d)(4). (6/22/98)

COIB Case No. 97-60. A member of the New York City Art Commission was fined \$100 for inadvertently voting on a matter involving his own architecture firm. On previous, similar occasions he had recused himself. [*In re Nicholas Quennell*] Charter Sections: 2604(b)(2), 2604(b)(3). (6/17/97)

COIB Case No. 97-76. The Board imposed a \$1,000 fine on a former Assistant District Attorney who issued a grand jury summons to a police officer in order to interfere with his scheduled testimony against the ADA's



husband in traffic court on the same day; the ADA had previously been dismissed by the DA's office. [*In re Nancy Campbell Ross*] Charter Sections: 2604(b)(3). (12/22/97)

COIB Case No. 97-225. An assistant principal was fined \$1,000 for obtaining from a subordinate (a teacher) a \$1,000 loan. Although the assistant principal repaid the loan, she nonetheless violated the Charter by entering into a financial relationship with a subordinate [*In re Marilyn Ross*] Charter Sections: 2604(b)(14). (12/10/97)

COIB Case No. 97-237. An Assistant Principal settled a case with the Board and the Board of Education in which he admitted selling two tickets to a political fundraiser to a subordinate teacher during school hours in his school office. The Assistant Principal received a cash payment for these tickets and had another subordinate deliver them to the teacher. The conflicts law prohibits superiors from even requesting political contributions from their subordinates. The Assistant Principal agreed to pay a \$2,500 fine. [*In re Serge Rene*] Charter Sections: 2604(b)(11)(c). (1/7/00)

COIB Case No. 97-247. A City firefighter was fined \$7,500 for unauthorized moonlighting as a commissioned sales person with a company that distributed equipment to the Fire Department. The fine was collected from the proceeds of a substantial commission that respondent was scheduled to receive from the distributor. [*In re Wayne Ludewig*] Charter Sections: 2604(a)(1)(a). (2/3/99)

COIB Case No. 97-247. A City firefighter was fined \$100 for unauthorized moonlighting with a company that distributed equipment to the Fire Department. The fine was reduced in light of numerous mitigating factors. [*In re Michael Cioffi*] Charter Sections: 2604(a)(1)(a). (5/8/98)

COIB Case No. 97-247. In a case against a former Battalion Chief for Technical Services with the New York City Fire Department ("NYFD"), the Board imposed a \$6,000 fine for the acceptance of valuable gifts of meals, theater tickets, and the free use of a ski condo from companies that had



business dealings with NYFD and whose work the Chief had directly supervised. [*In re John Morello*] Charter Sections: 2604(b)(5). (10/9/98)

COIB Case No. 97-368. The Board fined a former community board member \$200 for soliciting money from a church that was interested in acquiring land in the community board's area. Normal community board procedures do not involve the payment of money to community boards or their members for the acquisition of land. The fine would have been higher had the community board member not been under a severe financial hardship. [*In re Samuel Harvey*] Charter Sections: 2604(b)(3). (5/22/98)

COIB Case No. 97-394. The Board fined a City manager \$1,250 for conducting a part-time private printing business from his City office; despite his unblemished 25-year record with the City, the employee was also forced to retire and forfeit 24 days of accrued annual leave [*In re Edmund Weinstein*] Charter Sections: 2604(b)(2), 2604(b)(3), 2604(b)(14). (7/14/98)

COIB Case No. 98-102. The Board fined a Department of Buildings employee \$1,000 for using a City telephone for his private home inspection business. The employee, a City building inspector, had had private business cards printed that showed the City telephone number. As a result of this case, he has ceased the practice of using the phones and has destroyed all the offending business cards. [*In re Rudolf Hahn*] Charter Sections: 2604(b)(2), 2604(b)(3). (6/15/98)

COIB Case No. 98-169. The Board fined Frances T. Vella-Marrone, a former School Construction Authority official, \$5,000 for using her position to obtain a job for her husband at her agency and for attempting to obtain a promotion for him in 1996 and 1997. A 16-year-old girl was killed on January 9, 1998, in the area where Marrone's husband had removed a security fence at a public school construction site in Brooklyn. Mr. Marrone had not been supervisor on that site in the three months prior to the accident. [*In re Frances T. Vella-Marrone*] Charter Sections: 2604(b)(2), 2604(b)(3). (4/27/00)



COIB Case No. 98-190. The former Director of Administration of the Manhattan Borough President's Office ("MBPO") used her position to authorize the hiring of her own private company and her sister's company to clean the MBPO's offices. She was fined \$20,000 and found to have violated §§ 2604(a)(1)(a), (b)(2) and (b)(3). [*In re Mildred A. Sass*] Charter Sections: 2604(a)(1)(a), 2604(b)(2), 2604(b)(3). (6/29/99)

COIB Case No. 98-288. A Tax Assessor working for the City's Department of Finance ("DOF") assessed a residential building in Queens and noticed a vacant basement apartment. The apartment was not publicly advertised for rent. Several days after conclusion of the assessment, the inspector telephoned the landlord and asked to rent the apartment. The landlord rented the apartment to him. The assessor admitted that he violated the ethics laws by using his position to obtain a benefit for himself (i.e. the apartment) that was not available to any one else. He entered into a three-way settlement with COIB and the DOF and paid a \$625 fine. [*In re Christopher Sullivan*] Charter Sections: 2604(b)(2), 2604(b)(3). (5/3/00)

COIB Case No. 99-115. The Board announced that it had rebuked the NYC Police Commissioner Howard Safir for accepting a free trip to the 1999 Academy Awards festivities in Los Angeles. Revlon was the donor of the trip, valued at over \$7,000. The Board defined for the first time the duties of high-level public servants to inquire about the business dealings of the donor. Because this was the first public announcement of this duty, and the business dealings of Revlon were small and difficult to discover, the Board declined to charge Safir with violating the Board's Valuable Gift Rule, which prohibits public servants from accepting gifts valued at \$50 or more from persons they know or should know engage or intend to engage in business dealings with the City. Safir repaid the cost of the trip. [*In re Howard Safir*] Charter Sections: 2604(b)(5). (8/28/00)

COIB Case No. 99-200. The Board fined Human Resources Administration ("HRA") First Deputy Commissioner Mark Hoover \$8,500 for leasing his own apartments to five of his HRA subordinates and to HRA Commissioner Jason Turner, for using an HRA subordinate to perform private, non-City work for him, and for using his official position to arrange



for the state of Wisconsin to loan an employee to HRA and then housing that visiting consultant in his own apartment and charging and receiving \$500 for the stay, for which the City ultimately paid. Hoover also admitted using City equipment in furtherance of his private consulting business. This fine was the largest settlement fine ever obtained by the Board. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. [*In re Mark Hoover*] Charter Sections: 2604(b)(2), 2604(b)(3), 2604(b)(14). Board Rules § 1-13. (10/25/00)

COIB Case No. 99-200. The Board fined Human Resources Administration (“HRA”) Commissioner Jason Turner \$6,500 for hiring his business associate, Mark Hoover, as First Deputy Commissioner of HRA, without seeking or obtaining a waiver from the Board, using his Executive Assistant to perform tasks for Turner’s private consulting company, as well as for using his City title on a fax cover sheet (on one occasion inadvertently), and using City time, phone, computer, and fax machine for his private consulting work, and for renting an apartment for over a year from his subordinate, First Deputy Commissioner Hoover. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. [*In re Jason Turner*] Charter Sections: 2604(b)(2), 2604(b)(3), 2604(b)(14). Board Rules § 1-13. (10/16/00)

COIB Case No. 99-250. A sewage treatment worker at the Department of Environmental Protection (“DEP”) entered into a three-way settlement with COIB and DEP in a case where he admitted using DEP equipment to service a private wastewater facility where he was moonlighting and agreed to pay an \$800 fine. [*In re David Carlin*] Charter Sections: 2604(b)(2), 2604(b)(3). (3/10/00)

COIB Case No. 99-334. A Construction Inspector from the Department of Buildings was fined \$3,000 for giving one of his private business cards to a homeowner at a site where this Inspector had just issued six notices of violation. The Inspector had written on his private business card the words, “ALL TYPES OF CONSTRUCTION ALTERATIONS,”



and he told the homeowner that he used to do construction work and could advise her on such work. The private business cards used by this Inspector also set forth his Department of Buildings' beeper number. This matter was a three-way settlement with the Department of Buildings and contained a novel "two-strikes" provision permitting McGann's dismissal in the event of further violations of Chapter 68. McGann also agreed to stop using the name "B.E.S.T." for his private company because it could be confused with the B.E.S.T. squad, his City employer. [*In re John McGann*] Charter Sections: 2604(b)(2), 2604(b)(3). (11/22/99)

COIB Case No. 99-358. A Manager at the Department of Information Technology and Telecommunications settled a case in which he admitted purchasing a computer from his subordinate for \$1,350. The ethics law prohibits superiors and subordinates from entering into business transactions. The manager agreed to settle the case by paying a \$1,000 fine. [*In re Ivan Rosenberg*] Charter Sections: 2604(b)(14). (5/24/00)

COIB Case No. 99-500. The Board fined Cultural Affairs Commissioner Schuyler Chapin \$500 for holding a political fundraiser in his home for Fran Reiter, then a candidate for Mayor, and inviting guests who had business dealings with his agency or the City. The fine took into account that Commissioner Chapin believed he had sought legal advice and been advised incorrectly that the fundraiser was legal. Agency heads are not permitted to request any person to make political contributions to any candidate for elective office of the City. [*In re Schuyler Chapin*] Charter Sections: 2604(b)(12). (8/7/00)

COIB Case No. 99-511. The Board fined the former Deputy Agency Chief Contracting Officer (ACCO) of the Department of Transportation (DOT) \$1,500 for violating the revolving door rules. Within two weeks of leaving City office for a firm that sought business with DOT, Egidio Paniccia phoned his former supervisor, the DOT ACCO, and the Mayor's Office of Contracts and asked whether a contract had been awarded to his new employer, the GA Group, Inc. This violated both the one-year ban on contacting one's former City agency on non-ministerial matters and the



lifetime ban on appearing before the City on the same particular matter one worked on for the City. [*In re Egidio Paniccia*] Charter Sections: 2604(d)(2), 2604(d)(4). (8/15/00)

COIB Case No. 2000-254. The Board fined a former housing inspector for working at a gas station in New Jersey at times when he was required to inspect buildings in New York. The fine was \$250, which ordinarily would have been higher, and took into account the fact that inspector John Lizzio had agreed to resign from the City's Department of Housing Preservation and Development. This was the first case of abuse of City time under the Board's new rule 1-13, which prohibits City employees from engaging in personal and private activities on City time, absent approval from their agency head and the Board. [*In re John Lizzio*] Charter Sections: 2604(b)(2). Board Rule § 1-13(a), (c)(1). (7/24/00)

COIB Case No. 2000-322. The Board issued a public warning letter to the Traffic Safety Director, Sara Pecker, of the Queens Borough President's Office (QBPO). Ms. Pecker acted as one of three QBPO employees who voted to select the winning bidder (of two bidders responding) on a QBPO request for proposals (RFP) dated September 22, 1999. At the time of her vote, Ms. Pecker knew that one of the bidders (who later won the bid unanimously) had entered into a barter relationship in April of 1998 with Ms. Pecker's husband, an attorney, to provide computer services in exchange for office space. Although it declined to bring an enforcement action, the Board wrote that the better practice under Charter § 2604(b)(2) would have been for Ms. Pecker to disclose her husband's business relationship and to offer to recuse herself from the selection process. This was so because the failure to disclose the family business relationship could have given rise to an appearance of impropriety and could have compromised Ms. Pecker's duty of undivided loyalty to the City. Ms. Pecker agreed to allow the Board to make the warning letter public. [*In re Sara Pecker*] Charter Sections: 2604(b)(2). (11/22/00)



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