

Spring Cleaning



By Alex Kipp

Well friends, Spring is well and truly here and that means a lot of us are launching into that most favorite seasonal task: de-cluttering our homes. But as we try to maintain a sense of decorum with roommates, spouses, and significant others and not let a winter's worth of passive aggression spill over into whether or not that guitar amp should finally just be left on the curb (it shouldn't, because I WILL play it again, someday), let's also spare a moment to de-clutter our City desks from outside interests that might present a violation of the Conflicts of Interest Law.

First up, we should talk about your files – things stored on City computers, net-

works, databases, and filing cabinets. (For those of you too young to remember, "filing cabinets" were large, lockable, ugly metal stacks of drawers that could hold just a fraction of what's on your computer in less-convenient paper form. On the positive side, they were heavy enough to crush a human, so not bad to have if you worked in an office where that was occasionally necessary.)

Now, it's hard enough keeping all of your City files organized. That task only gets harder when you mix files from your outside job, side business, or outside political activities with your government files at work. If you get into that habit, soon it

won't be clear whether you're working in a government office where you also do your outside work, or in a private office where you also do occasional government work. So don't do that. Keep all materials, files, programs, papers, and conversations related to your outside financial or political activities out of your government files, computers, and especially far away from your City email account and telephone.

Let's now gently glide from your files to your government Rolodex or, if you're not 90 years old, the contacts contained within your City edition of the universally-lauded Microsoft Office 365. Simply put: you need to be careful when contacts from your personal network also show up in your official City contacts. Knowing folks isn't a problem. But making personal business, fundraising, or political solicitations to someone you have power over in your City capacity is a misuse of your City position.

For example: let's say I have an old buddy from my private sector days (before my City role, I held a fairly senior post at the biscuit station of a KFC). My buddy is the kind of stand-up guy I might have hit up for a little fundraising for my kids' school or an important cause dear to my heart, like a not-for-profit that restores old guitar amps so that aging Gen Xers can rock out once again, like they used to, before they had kids and sold out to become government workers. But like me, my old biscuit-making buddy has also moved on. In fact, he's the point person for a vendor with some big matters before my City agency, matters that oc-

asionally come across my desk. I can't send him that personal fundraising email now – obviously not with my City email account, but not with my personal AOL account either. Like me, you'll want to keep those personal fundraising appeals far away from anyone you've got power over: individuals seeking services from your agency, vendors you deal with, or any City employee below you in the chain of command.

Another thing that can easily clutter a desk is a token of appreciation from any of those people – or, as we like to call it in the ethics business, a "gift." The Conflicts of Interest Law has bright-line prohibitions on accepting most kinds of gifts from vendors or anyone over whom we have City power (the infographic on the next page summarizes the vendor rules; there's lots more info here). Moreover, rent is going up. Storage rates are going up. Space is at a premium, especially with all the rocks, sticks, and discarded toys my boys bring home every day. At this point my policy when going to dinner with City vendors is this: not only do I pay for my own dinner, but I always give the vendor a rock, stick, well-loved toy, or dusty piece of probably-still-working guitar gear, making everyone in my home happy and more fully aligning my self-image with the person I have allowed myself to become.

Finally, let's talk about those framed photos strategically positioned all over your desk. You know, the ones of your sons, daughters, spouses, registered domestic partners, cats, and the like. Now, there's no problem with that – especially in my

own case, where my children are both exceptionally intelligent and strikingly photogenic, at least according to me. In fact, public servants can even work in the very same office as their family members. However, if you were to supervise any of those close relatives paraded on your desk like so many little glass collectibles from the cabinet of Laura Wingfield, or be a part of the hiring process that put them there, that would be an issue.

Here's the long and the short of it: keeping a picture of your subordinate on your desk for you to admire is extremely weird if they aren't closely related to you; if they are a close relative, it's not (as) weird, but it is a violation of the Conflicts of Interest Law. So best to toss the pictures, put in for a transfer, and self-report your violation to the Board.

Of course, as in the home, cluttering public duties with private interests is best avoided proactively, by never allowing it to accumulate in the first place, or at least removing it the moment it appears. If you've already Marie Kondo-ed your City life from any private interests, then congratulations on both your diligence and your frankly worrying ability to spark joy with purely City-related tasks. And if you ever need help, we're here to help you properly separate your City bin from your personal bin. You can call our Advice

attorneys for confidential legal advice at 212-442-1400 during business hours or ask us your question [online](#).

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Misuse of City Position. For at least one year, a Plasterer Supervisor for the New York City Housing Authority ("NYCHA") had two of his NYCHA subordinates purchase or otherwise provide him with meals and other food – and he did not always pay them back. The Plasterer Supervisor also had one of those subordinates install a glass shower door at his apartment. The Plasterer Supervisor agreed to pay a \$2,500 fine to the Board.

Misuse of City Position. An Assistant Commissioner of Epidemiology Administration for the New York City Department of Health and Mental Hygiene ("DOHMH") was responsible for approving decisions made by Public Health Solutions ("PHS"), a not-for-profit organization that hires and pays staff who work for DOHMH. In this role, she administratively approved her daughter's re-hiring by PHS as a College Aide in 2018 and the hiring by PHS of her daughter as a full-time Customer Service Aide in 2020. Additionally, in 2022, when DOHMH decided to increase to \$50,000 the salaries of DOHMH employees who had been earning less than \$41,000—a group that included the Assistant Commissioner's daughter—the Assistant Commissioner signed a blanket justification memo approving the salary increase. In a joint settlement with the Board and DOHMH, the Assistant Commissioner agreed to pay a \$2,000 fine to the Board.

Misuse of City Position. A Supervising Special Officer at the New York City De-

Recent Enforcement Cases

partment of Homeless Services (“DHS”) accepted from her DHS subordinate a \$550 loan, which the Supervising Special Officer repaid in full approximately one month later. In a joint settlement with the Board and DHS’s parent agency, the New York City Department of Social Services (“DSS”), the Supervising Special Officer agreed to serve a five-day suspension, valued at approximately \$1,298. The Board determined that the penalty imposed by DSS was sufficient and imposed no additional penalty.

Misuse of City Resources. Over a single weekend, when he should have been performing work for DHS, a City Laborer used a DHS vehicle to make 32 stops in the Bronx and Yonkers unrelated to his DHS work; he was supposed to be using that vehicle to transport unhoused people to a homeless shelter. In a joint settlement with the Board and DHS, the City Laborer agreed to forfeit five days of annual leave, valued at approximately \$1,450, and serve a fifteen calendar-day suspension, valued at approximately \$3,190. The Board determined that the penalties imposed by DHS were sufficient and imposed no additional penalty.

Misuse of City Resources. A High Pressure Plant Tender at the New York City Department of Citywide Administrative Services (“DCAS”) laminated a copy of his DCAS identification to use as a parking placard. On four occasions between January 2021 and February 2022, he placed the laminated copy of his DCAS identification in the windshield of his personal vehicle to

avoid parking fines and parking fees. In a joint agreement with the Board and DCAS, the High Pressure Plant Tender agreed to serve a ten calendar-day suspension, valued at approximately \$5,080. The Board determined that the penalty imposed by DCAS was sufficient and imposed no additional penalty.

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