

# the Ethical Times

## With Great Super-Powers Comes Great Super-Responsibility

By Roy Koshy

If you've spent a considerable amount of time on social media over the last 15+ years, you've probably noticed two things: (1) The residue of shame in your gut due to your participation in inane discourse since the internet never forgets the most embarrassing posts you've ever made; and (2) Fun memes! One meme that has circulated over the years is that of two Spideymen pointing at each other.



This meme is often employed for a variety of reasons -- a rejoinder to call out another person's hypocrisy, or pointing out that two separate warring parties are actually the same in their terribleness. For me, this meme speaks to what happens when a conflict of interest exists for a public servant -- the public doesn't know who to trust! What is taking precedent here, the public good or the

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public servant's private interest? This question can arise even at the appearance that a public servant may be misusing their City position for private gain. This makes me wonder: why does the superhero content of today avoid grappling with municipal ethics issues? Luckily, I'm not only a public servant, but I am also a professionally unemployed screenwriter (on my own time with my own resources). I've decided to take a break from inane online discourse to pitch some epic yet ethical superhero storylines.

**Thor: Love and Nepotism:** Dr. Donald Blake is employed as Senior Vice President of Ambulatory Care at New York City Health. He is also in charge of the contract between NYC Health and the Asgardian Royal Family, specifically the procurement of Mjolnir hammers for his agency. But Blake, aka "Thor" the God of Thunder, is related to "Odin," the ruler of Asgard, and several of his direct family members benefit financially from this contract with NYC Health. Under the City's conflicts of interest law, public servants are prohibited from obtaining any financial gain for themselves or members of their immediate family. "Thor" is fined \$10,000 and agrees to fully recuse himself from any further City matters involving Asgard and the wider Nine Realms of the Universe.

**The Dark Knight Settlement:** Bruce Wayne, Senior Vigilante “Batman” for the Gotham City Police Department (GCPD), is involved in hiring Dick “Robin” Grayson as a Junior Vigilante for the GCPD. But not only do Wayne and Grayson live together, they pursue a private vigilante business together. It turns out that the Gotham City conflicts of interest law prohibits public servants from using or attempting to use their City position to obtain any financial gain for anyone with which they have a business or other financial relationship. The Gotham City Ethics Board issues a \$25,000 fine to Wayne, which propels him to step down from the GCPD and pursue an independent vigilante career.

**She-Hulk: Conflicted ALJ:** Jennifer Walters leaves the District Attorney’s Office and applies her “She-Hulk” powers to her new position as an Administrative Law Judge for the NYC CityStore. She adjudicates two summonses for excessive clothing and coffee mug damage issued to Bruce Banner. Turns out that Banner is actually her cousin (and fellow “Hulk”) and that Walters owes Banner a significant amount of money for a blood transfusion in which she attained the aforementioned “Hulk” superpowers. Walters is found to not only violate the City’s conflicts of interest law which prohibits public servants from using their City position to benefit a person with whom they have a financial relationship (like a loan), but she has also violated the code of conduct set forth in the CityStore Administrative Law Judge Manual that prohibits ALJs from presiding over matters involving relatives or acquaintances. Walters’s violation is resolved with a public warning letter instead of a fine, because she chooses to utilize her “She-Hulk” powers on behalf of the City to break the fourth wall in the middle of the hearing and confess that her involvement in this adjudication is indeed a conflict of interest.

The above pitches are just a sampling of exciting new directions for our modern mythical heroes. Saving the universe does not have to come at the expense of good government! For those of you whose super power is your public service to this great City, you can always obtain confidential legal advice on how you can and cannot use your City position, as well as any other questions



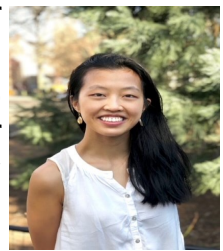
you may have about the conflicts of interest law, by contacting the Conflicts of Interest Board at [nyc.gov/ethics](http://nyc.gov/ethics) or (212) 442-1400.

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## THE PUBLIC SERVICE PUZZLER

It’s championship season at this month’s puzzler [contest](#) (as always), with a March Madness style conflicts of interest law-themed bracket. Pick your top Chapter 68 provisions and [enter the competition!](#)

Also meet last month’s winner **Yvonne Chow**, Communication Lead at DSNY who designs promotional materials for her agency and also has a variety of personal interests including music and Duolingo.



[nyc.gov/ethics](http://nyc.gov/ethics)

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A [searchable index](#) of all COIB Enforcement Dispositions is available courtesy of New York Law School.

## Recent Enforcement Cases

**Prohibited Appearances; Misuse of City Time & City Resources.** In May 2021, a Senior Director of Business Centers for the New York City Department of Finance (“DOF”) became co-owner of a car wash business in Brooklyn. In or about August 2021, the New York City Department of Consumer and Worker Protection (“DCWP”) shut down the car wash business for operating without a license. To address a pending license application for his business, the Senior Director sent 12 emails to DCWP using his DOF email account and made 17 phone calls to DCWP using his DOF telephone; he made many of these communications at times when he was required to be performing work for DOF. The City’s conflicts of interest law prohibits a public servant from communicating with the City on behalf of their private business and from using City time and City resources for that business. To resolve these violations, the Senior Director agreed to a three-way settlement with the Board and DOF in which he paid a \$1,500 fine to the Board and served a DOF-imposed 18-month probationary period.

**Prohibited Appearances as an Attorney Against the City.** In January 2022, an Agency Attorney for DCWP filed lawsuit in New York State Supreme Court on behalf of a Manhattan comedy club against a New York City Council Member alleging that the Council Member defamed the comedy club through a tweet she posted on her official City Council Twitter account and a letter she published on official City Council letterhead. The New York City Law Department represented the Council Member and filed a motion to dismiss, which was granted. The City’s conflicts of interest law prohibits a public servant from acting as an attorney against the interests of the City in litigation to which the City is a party. In

choosing to resolve this violation with a public warning letter rather than imposing a fine, the Board considered that the now-former Agency Attorney was not compensated for his representation of the comedy club and that the case he filed was dismissed.

**Misuse of City Resources.** In 2018, a Supervising Special Officer at the New York City Department of Citywide Administrative Services (“DCAS”) was given a parking placard by the Queens Borough President’s Office (“QBPO”) to park her personal vehicle near Queens Borough Hall, where she was assigned to work. In January 2020, the Supervising Special Officer was assigned to work at 1 Centre Street in Manhattan, and on at least two occasions she used the QBPO parking placard to park her personal vehicle near 1 Centre Street to avoid incurring parking fees. To resolve her misuse of a City resource, the Supervising Special Officer agreed to a three-way settlement with the Board and DCAS in which she would serve a DCAS-imposed eight-day suspension, valued at approximately \$1,975.

**Misuse of City Time.** An Associate Housing Inspector for the New York City Department of Housing Preservation and Development (“HPD”) moonlights as an Uber driver. In March 2020, the Associate Housing Inspector completed two Uber rides at times he was required to be performing work for HPD. To resolve his misuse of City time, the Associate Housing Inspector agreed to a three-way settlement with the Board and HPD in which he would pay a \$250 fine to the Board and serve an HPD-imposed one-day suspension, valued at approximately \$269.