

# The Ethical Times

Roy Koshy, Editor

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## The North Pole Audit



By Rob Casimir

**COIB:** First of all, I want to thank you for inviting COIB into your operation as you have. Chapter 68 of the New York City Charter – where you can find the text of the City’s ethics law – really only applies to current and former NYC public servants, but we do think it is an admirable and emulatable model for any sort of organization looking to promote fairness, provide transparency, and build trust with its stakeholders.

**JOLLY MAN IN RED:** That's what I keep hearing! It's remarkable: all throughout the year, good little boys and girls from around the world have been writing me letters asking for a Chapter 68-style ethics policy for their municipalities as well!

**COIB:** Wait, really?

**JOLLY MAN IN RED:** No! But I think you'll agree it is a very merry and jolly thought –

**COIB:** Oh.

**JOLLY MAN IN RED:** And you're very welcome.

**COIB:** Before we begin the audit, I wanted to know what I should call you. I know you've been given a number of names from different places around the world –

**JOLLY MAN IN RED:** St. Nicholas.

**JOLLY MAN IN RED AKA ST NICHOLAS (SN):** They're all good. Kris Kringle is a classic. In Germany, they call me "Weihnachtsmann," which translates into the somewhat reductive moniker "Christmas Man." But I love that. "Viejo

Pascuero” is a good one, too – that’s what the children call me in Chile.

**COIB:** But you prefer Old Saint Nick?

**SN:** Well... (*inaudible*)... I wouldn’t say I prefer it, per se. I imagine it’s a lot like when you finally become a doctor and then you see one of those parking spots that are just for doctors. It’s like: four years of medical school and seven years of residency has to count for something, you know? I’m parking in that spot.

**COIB:** I get it.

**SN:** And it wasn’t like Pope Eugene IV was going around canonizing just anyone back then. I was doing this job for a long time without any sort of formal recognition, you have to understand.

**COIB:** I understand and, if I may, on the behalf of the entire world: thank you for your service.

**SN:** You’re very welcome –

**COIB:** But if you don’t mind, I’d like to jump straight into some of the ethics issues we’ve uncovered in your workshop.

**SN:** Well if there’s one thing I value most during the holidays, it’s ethics: presents are nice, but an ethical workplace is a gift that keeps on giving. That’s something I’m always saying. If there’s a second thing I value during the holidays, though, it’s the ability to shift my weight and fit into and down any chimney or exhaust pipe on any roof in the entire world. I can’t emphasize enough how crucial that is to my work.

**COIB:** Those are great priorities! I want

to talk about the cookies, though.

**SN:** Ho! Ho! Ho! You know, I do love a little platter of cookies and a glass of milk.

**COIB:** That’s sort of the problem, Nick: everyone knows. Everyone knows you love a nice cookie. That’s your thing: you come down the chimney, you eat some cookies, wash it down with some milk, and then you leave presents.

**SN:** A system which has worked wonderfully for many, many years.

**COIB:** Maybe. According to my calculations, you ate around 26.2 billion cookies during the last holiday season.

**SN:** Now you sound like Mrs. Claus...

**COIB:** Extrapolate that back over the centuries, and you might literally be the most tipped person in the entirety of human history. Nobody has taken more gratuities than you.

**SN:** But what’s so wrong with people wanting to show their appreciation for my work? Isn’t that ethical? And besides, I’m not even sure it was that many...

**COIB:** The issue isn’t with the number of cookies so much as what those consumed cookies communicate. Bear with me: in the City of New York, we do not allow public servants to take gratuities in any amount. Do you know why?

**SN:** Because if NYC’s hardworking public servants were eating cookies all day, they might spill crumbs on sensitive City resources or – and this has happened to me – eat so many cookies that they are

too full to work or even move!

**COIB:** That's very close, sir. The reason for the City's no gratuity rule isn't to stop people from showing their affection and gratitude, but to remove any sort of perceived causation between the gratuity being offered and the service being rendered. Imagine: you're at the Department of Buildings with nine other guys, and you're all trying to get building permits, and every single one of you gets your application rejected – except for one: the fellow who brought in coffee and doughnuts for the Buildings employee at the window. Wouldn't you be a little suspicious? You won't ever be able to see what was on that man's permit application – maybe it deserved to be approved, maybe it didn't – but you know for a fact that the Buildings employee took a free breakfast and then gave a good result. Might make you wonder what all is influencing what should be an objective and fair decision-making process, right?

**SN:** I see what you're getting at, but what's this got to do with cookies?

**COIB:** Well, sir, I... (*papers rustling*) ...I have reporting here that seems to indicate a moderate-to-strong correlation between children and parents who leave out more expensive, gourmet cookies and children who receive high-priced gifts on Christmas morning; now, can you explain that connection to me in a way that doesn't ruin Christmas?

**SN:** Oh, sugarplums. I can't.

**COIB:** I would recommend a New York-style policy in which you simply refuse to

accept anything of value from anyone you serve in your official capacity.

**SN:** But who will eat all the cookies?

**COIB:** Look, that's none of your concern anymore. What you should be thinking about is moonlighting waivers.

**SN:** Moonlighting waivers?

**COIB:** That's right: moonlighting waivers – the little permission slips City employees get when they have a second job at a firm that's got business with the City. See, the City isn't psychic, so employees must fill out a form saying what their outside job is, their responsibilities and hours, stuff like that – and then we can make sure that employee is never in a position where their passion for serving the City comes into conflict with their obligations at a second job. I'm under the impression that your workshop does more volume than any other workshop in the world.

**SN:** That is correct. And it's all due to the labor of several thousand immortal and undying elves.

**COIB:** Precisely. So do you have any idea where these elves are finding employment during the non-holiday season?

**SN:** I think a lot of them are into crypto, lately.

**COIB:** Bleak. But let me paint you an even bleaker picture: John Q. Elf has been a Floor Supervisor and then a Procurement Agent for you over the course of his 600-year career, yes? And he knows Santa's Workshop deals in volume.

**SN:** Sure. The vast majority of our Christmas elves are loyal and hardworking. That checks out.

**COIB:** Well, let's say I represent a toy company, or a drone company – either really – and I take John Q. Elf out to Delmonico's and I'm buying him the biggest porterhouse steak he's ever seen. And I'm explaining how the hottest new toy is going to be a little remote-controlled drone with an ultralight polymer shell that looks like a great white shark. The kids, they are going to love flying these remote control sharks through the air. This is a home run toy; the kids that don't get the Flying Shark are likely to be bullied mercilessly at their schools; this is the sort of cultural impact this toy is going to have, I'm explaining to him.

**SN:** It sounds like a great toy. What's the problem?

**COIB:** The problem is: I'm out here showering Johnny Elf with gifts and trips – maybe I even go ahead and give him a summer job with my toy company, owing to him being such an expert in the field. So I've got him on the payroll and now it's November and he's leading a production meeting with the other elves, brainstorming ideas for toys, and he just happens to mention my beautiful drones with the ultralight polymer shell. Yadda yadda yadda – Santa's Workshop ends up placing an order for 70 tons of my proprietary polymer and I make a mint. Come the holidays, I'm looking out my window seeing SharkyDronez products being delivered to homes around the world. We're talking instant brand penetration. Market share.

And guess whose company is going to be exclusively positioned to service or replace all those toys? This guy. And now I'm moving to Monaco and learning baccarat because I am rich.

**SN:** But if Mr. Elf got us a good price, I suppose I'm still failing to see the harm.

**COIB:** The harm is there's now no way of knowing if Mr. Elf made that decision because it was right for Christmas or because it was right for the secondary employer who was paying him! What if the idea of millions of children flying shark-themed drones all over their country's restricted airspace is, in fact, a bad one which ruins both Christmas and international commerce?

**SN:** Ah, I hadn't considered that.

**COIB:** People need to trust that the decisions being made at the North Pole are only in the interest of Christmas and not due to any outside financial pressures. Here in New York, we make public servants disclose their positions and recuse themselves from handling any City business which concerns one of those outside interests – that way, people know we're looking after them and not our individual bottom lines.

**SN:** Well, I'm convinced. I'll be making a list of my elves' moonlighting activities and checking it twice – for transparency!

**COIB:** While I've got you here, actually, a few other quick things.

**SN:** Haven't you been a busy little elf!



**COIB:** Right. So, I understand that you keep a list of every child in the world and sort them into categories of good and bad, and to the ones marked bad you deliver lumps of coal instead of presents?

**SN:** That's correct. It's just a little prank some of us here came up with a few centuries ago and, I don't know, I guess we all still find it a little bit funny.

**COIB:** OK, every part of that sounds very strange and bad, but I'm not going to tell you how to run your operation. What I am concerned about, however, is access to that protected good-and-bad database: where is it kept, who has access to it, how is it being used – that sort of thing.

**SN:** Well, it's pretty straightforward: every winter Jack Frost comes out of his frozen cathedral, having donned a wreath resplendent in the light of the aurora borealis –

**COIB:** But long story short?

**SN:** We keep it in the file room, basically.

**COIB:** Where just anyone could walk in and access it? Showing proper care to people's private information is a big part of building trust with them.

**SN:** Fine, fine, I'll take steps to make sure nobody is improperly accessing or sharing our confidential information on who is good and bad. From now on, access will be restricted to myself, the Chief Elf, and the reindeer: Dasher, Dancer, Prancer, Vixen, Comet, Cupid, Donner, and Blitzen.

**COIB:** Sounds like a solution – but is there anybody you're forgetting?

**SN:** I don't think so.

**COIB:** Well then, great! It was very nice speaking with you about ethics like this. If you ever want to follow-up on what we talked about here – or any Chapter 68 topics – please feel free to call our Attorney of the Day Hotline at (212) 442-1400, or, better yet, email us at [AOD@coib.nyc.gov](mailto:AOD@coib.nyc.gov)! And if you'd like to book a training for the rest of your staff, don't hesitate to reach out online! Also, while I'm here, I'd like the Knicks to win the NBA Finals.



Rob Casimir is the Senior Education & Engagement Specialist at the New York City Conflicts of Interest Board.

**SN:** Never gonna happen.



## Recent Enforcement Cases

**Misuse of City Resources.** A Family Assistant working with New York City Department of Education ("DOE") students in temporary housing ("STH") took her daughter, who was not STH, on three free excursions intended to enrich the educations of STH: to Washington, D.C.; to the Rocking Horse Ranch Resort; and to Florida, including visits to Disney World and Universal Studios Orlando. The now-former Family Assistant agreed to the imposition of a \$6,000 fine. In setting the penalty, the Board considered that DOE had already terminated the Family Assistant for her conduct. Based on the now-former Family Assistant's proven financial hardship, the Board required her to pay only \$1,200 of the \$6,000 fine imposed.

**Misuse of City Time & City Resources; Misuse of City Position.** Over the course of two school years, a DOE teacher sold beverages and snacks for her personal profit to students at her school. She stored and sold the items in her classroom and during school hours. In a joint settlement with the Board and DOE, the teacher agreed to pay DOE a \$4,000 fine to resolve her violations.

**Misuse of City Time.** A Service Aide at New York City Health + Hospitals/Queens left before the end of her shift on 83 days while recording that she had worked a full shift, resulting in being paid \$4,885.21 for 149 hours of work she did not perform. In a joint disposition with the Board and Health + Hospitals, the Service Aide agreed to pay a \$6,000 fine to the Board.

**Lifetime Particular Matter Bar.** In 2021,

a Commissioner at the Landmarks Preservation Commission ("LPC") participated in LPC's consideration of an application for the redevelopment of a property in Manhattan. The same application returned to LPC in 2023, by which point the Commissioner had left LPC. In advance of the scheduled reconsideration, the now-former Commissioner submitted testimony urging LPC to delay that reconsideration, citing issues he had raised in 2021. The now-former Commissioner agreed to pay a \$1,000 fine to the Board.

Visit our [search engine](#) for all COIB Enforcement Dispositions.

*Have a Happy &  
Ethical New Year!*

*- your friends at COIB*



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