



# NEW YORK CITY CONFLICTS OF INTEREST BOARD

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## 2022 Annual Report

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New York, NY 10007

212-442-1400  
[nyc.gov/ethics](https://nyc.gov/ethics)

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## Current Board Members

<b>Milton L. Williams Jr.</b>	Partner at Walden Macht & Haran LLP. Appointed to Board as Chair in September 2022.
<b>Fernando A. Bohorquez Jr.</b>	Partner at BakerHostetler. Appointed to the Board in April 2014.
<b>Wayne G. Hawley</b>	Former Deputy Executive Director and General Counsel, NYC Conflicts of Interest Board. Appointed to the Board in April 2020.
<b>Ifeoma Ike</b>	Founder and CEO of Pink Cornrows. Appointed to the Board in April 2022.
<b>Georgia M. Pestana</b>	Former Corporation Counsel of the City of New York. Appointed to the Board in April 2022.

## Former Board Members

<b>Merrell E. Clark Jr., Chair</b>	January 1989 – September 1990
<b>Sheldon Oliensis, Chair</b>	September 1990 – February 1998
<b>Benito Romano, Acting Chair</b>	March 1998 – June 2002
<b>Steven Rosenfeld, Chair</b>	June 2002 – December 2012
<b>Nicholas Scoppetta, Chair</b>	January 2013 – February 2014
<b>Richard Briffault, Chair</b>	March 2014 – March 2020
<b>Jeffrey D. Friedlander, Chair</b>	April 2020 – March 2022
<b>Beryl R. Jones</b>	October 1989 – May 1995
<b>Robert J. McGuire</b>	October 1989 – September 1995
<b>Benjamin Gim</b>	September 1990 – September 1994
<b>Shirley Adelson Siegel</b>	September 1990 – April 1998
<b>Benito Romano</b>	September 1994 – 2004
<b>Jane Parver</b>	September 1995 – September 2006
<b>Bruce A. Green</b>	November 1995 – March 2004
<b>Angela Mariana Freyre</b>	October 2002 – May 2011
<b>Monica Blum</b>	August 2004 – March 2013
<b>Andrew Irving</b>	April 2005 – March 2017
<b>Kevin B. Frawley</b>	October 2006 – March 2012
<b>Burton Lehman</b>	July 2009 – March 2014
<b>Erika Thomas</b>	March 2012 – March 2020
<b>Anthony W. Crowell</b>	April 2013 – November 2021
<b>Jeffrey D. Friedlander</b>	April 2017 – March 2022
<b>Nisha Agarwal</b>	April 2020 – March 2022

## Board Staff

### Executive

**Carolyn Lisa Miller**  
Executive Director

### Administration

**Tasnia Karim**  
Director

**Caitlyn Louie**  
Administrative Coordinator

### Annual Disclosure

**Katherine J. Miller**  
Director & Special Counsel  
EEO Officer & Disability Rights  
Coordinator

**Holli R. Hellman**  
Senior Annual Disclosure  
Analyst

**Dawn Anderson**  
Annual Disclosure Analyst

**Jasmine Mack**  
Annual Disclosure Analyst &  
Legal Coordinator

**Veronica Martinez Garcia**  
Administrative Assistant

### Education & Engagement

**Alex Kipp**  
Director

**Rob Casimir**  
Senior Education &  
Engagement Specialist

**Gavin Kendall**  
Education & Engagement  
Specialist

**Roy Koshy**  
Education & Engagement  
Specialist

**Vacant**  
Education & Engagement  
Specialist

### Enforcement

**Jeffrey Tremblay**  
Director

**Katherine Jo Weall**  
Deputy Director

**Anita Armstrong**  
Associate Counsel

**Jeffrey Nelson**  
Assistant Counsel

### Information Technology

**Derick Yu**  
Director

### Legal Advice

**Ethan A. Carrier**  
General Counsel

**Christopher M. Hammer**  
Deputy General Counsel

**Maryann White**  
Associate Counsel

**Clare Wiseman**  
Associate Counsel

**Yasong Niu**  
Assistant Counsel

**Florence Watson**  
Paralegal

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

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

This Annual Report reviews the Board's accomplishments during 2022, under each of the following headings: (1) Education & Engagement; (2) Legal Advice; (3) Enforcement; and (4) Annual Disclosure.

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

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

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

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

## Education & Engagement

Education and Engagement lie on the front lines of the Conflicts of Interest Board's efforts to create and cultivate a culture of compliance throughout City government. Biennial training offers the deepest and longest interaction many public servants will have with the Board. It is the first, best chance for the Board to create a positive relationship with a new public servant and serves to renew and refresh its relationship with City veterans. Between training sessions, smaller engagements offered on a regular basis keep the relationship alive and help to keep public servants abreast of current concerns.

2022 continued to present challenges in bringing the training class numbers up to pre-pandemic levels. To address this, the Unit began an aggressive agency outreach plan to re-establish relationships or build new ones. These efforts will continue in 2023. At the same time the Unit continued its three monthly email campaigns: the Ethical Times newsletter, the Public Service Puzzler, and COIB Small Plates. In 2022, the Unit also produced a webinar version of the Citywide Seminar on Ethics in Government with the City's Law Department.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Classes Conducted (in person and webinar)</b>	<b>682</b>	<b>186</b>	<b>258</b>	<b>249</b>
<b>People Trained</b>	<b>28,004</b>	<b>10,652</b>	<b>13,461</b>	<b>14,113</b>
<b>Agencies Visited</b>	<b>64</b>	<b>31</b>	<b>38</b>	<b>37</b>
<b>Online Training Completions</b>	<b>28,825</b>	<b>10,503</b>	<b>28,526</b>	<b>42,833</b>
<b>Agencies Participating in Online Training</b>	<b>29</b>	<b>54</b>	<b>53</b>	<b>46</b>
<b>Social Media Views</b>	<b>2,700,000</b>	<b>2,103,900</b>	<b>1,782,114</b>	<b>1,256,167</b>
<b>Website Page Views</b>	<b>173,143</b>	<b>155,000</b>	<b>156,000</b>	<b>127,205</b>

Seeking to expand its reach on social media, the Unit launched a TikTok page and produced 15 videos for it in 2022. As with the Unit's other video content, these assets continue to be deployed in classroom presentations, email campaigns, and on other social media platforms.

The Unit's Director, Alex Kipp, has served on the Programming Committee of the Council on Governmental Ethics Laws (COGEL) for six years and currently serves on its Steering Committee.

**Outreach Media and Other Projects****Monthly Messaging****Ethical Times Newsletter, Public Service Puzzler,  
COIB Small Plates****Social Platforms****Twitter, YouTube, Facebook, Instagram, TikTok****Media Placements****NYXT TV, WNYE 91.5 FM****Conferences****Citywide Seminar on Ethics in Government with  
New York Law Department, Council on  
Governmental Ethics Laws – Programming  
Committee, Steering Committee**

## Legal Advice

Providing same-day advice to current and former public servants continues to be the primary focus of the Board's Legal Advice Unit; in 2022 the Board's Attorney-of-the-Day service answered 19 percent more calls and emails than in the prior year. Providing fast and accurate answers to questions about the City's Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, and the Legal Defense Trust Law helps individual public servants and their City agencies move forward quickly while protecting the public trust.

As the City's labor market heated up in 2022, the number of requests for waivers related to public servants holding second jobs increased substantially, hitting the second highest level in the Board's history. Despite these increased demands, the Board's waiver determination response time improved by an average of 19 days compared to 2021. Compared to 2019, the year in which the Board received the highest number of waiver requests, the Board's response time improved by an average of 5 days in 2022.

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Staff Letters</b>	<b>120</b>	<b>55</b>	<b>15</b>	<b>17</b>	<b>35</b>
<b>Waivers/(b)(2) Letters*</b>	<b>494</b>	<b>666</b>	<b>399</b>	<b>340</b>	<b>588</b>
<b>Board Letters, Orders, Opinions</b>	<b>37</b>	<b>22</b>	<b>56</b>	<b>46</b>	<b>43</b>
<b>Total Formal Advice</b>	<b>651</b>	<b>645</b>	<b>470</b>	<b>403</b>	<b>666</b>
<b>Total Requests for Formal Advice</b>	<b>696</b>	<b>824</b>	<b>492</b>	<b>471</b>	<b>787</b>
<b>Cases Administratively Closed</b>	<b>54</b>	<b>76</b>	<b>39</b>	<b>60</b>	<b>92</b>
<b>Total Informal Advice</b>	<b>4502</b>	<b>4871</b>	<b>3398</b>	<b>3323</b>	<b>3939</b>
<b>Pending Cases at Year End</b>	<b>103</b>	<b>104</b>	<b>87</b>	<b>92</b>	<b>119</b>
<b>Median Days for Waiver Request Determination</b>	<b>46</b>	<b>57</b>	<b>53</b>	<b>60</b>	<b>41</b>

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

The Legal Advice Unit also continued producing "Friday Fifteen," a weekly live video conference training program aimed at educating attorneys across City government about the nuts and bolts of the Conflicts of Interest Law and best practices for handling Chapter 68 matters. In addition, Legal Advice Unit attorneys joined the Board's Education & Engagement Unit in presenting continuing legal education programs both via video conference and in person.

The Legal Advice Unit continued assisting the Board in its rulemaking work, including its ongoing review of its past advisory opinions and codification of those opinions that have interpretive value into Board Rules. In 2022, the Board held two open meetings and two public hearings as part of its rulemaking.

The Board engaged in rulemaking regarding:

- Clarifying the definition of “valuable gift” in the Valuable Gift Rule and codifying exceptions previously discussed in Advisory Opinions ([Board Rules § 1-01\(a\)](#)).
- Defining terms used within the Valuable Gift Rule, including the term “relative” ([Board Rules § 1-01\(b\)](#)).
- Making the quadrennial adjustment, as required by Charter Section 2603(a), to the dollar amount established in Chapter 68’s definition of “ownership interest” in Charter Section 2601(16) to reflect changes in the Consumer Price Index to increase this dollar amount from \$50,000 to \$55,000 ([Board Rules § 1-11](#)).



# Enforcement

2022 was a year of transition for the Enforcement Unit. The number of complaints received by the Unit continued the gradual increase that began in 2021 following a dramatic decline in 2020. The greater volume of complaints helped propel a significant year-over-year increase in fines collected in 2022. This increase came despite the Unit being short-staffed for much of the year due to staff turnover. With the Unit fully staffed as of March 2023, and the Unit renewing its efforts to network with City agencies to ensure that violations are reported, the Enforcement Unit hopes that even more public servants who violated the Conflicts of Interest Law will be held accountable in 2023.

The Board is grateful to DOI, SCI, and OATH for enabling the Board to investigate and prosecute violations of Chapter 68.

	2018	2019	2020	2021	2022
<b>Complaints Received</b>	<b>399</b>	<b>361</b>	<b>203</b>	<b>256</b>	<b>287</b>
<b>DOI/SCI Reports Received</b>	<b>156</b>	<b>145</b>	<b>107</b>	<b>105</b>	<b>84</b>
<b>Public Findings of Violations</b>	<b>98</b>	<b>86</b>	<b>50</b>	<b>38</b>	<b>37</b>
<b>Public Warning Letters</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>5</b>
<b>Fines Collected</b>	<b>\$218,902</b>	<b>\$233,050</b>	<b>\$67,450</b>	<b>\$59,825</b>	<b>\$94,750</b>

In 2022, the Board addressed conflicts of interest violations by several high-level public servants:

- Chief Advisor to the Mayor

The Chief Advisor to the Mayor paid a \$1,000 fine for using her City position to benefit a person with whom she was associated. In 2014, the Chief Advisor, who was then the Brooklyn Deputy Borough President, loaned \$2,500 to a personal friend (the “Debtor”); this loan remained outstanding until it was forgiven in November 2022, by which point the Deputy Borough President had become Chief Advisor to the Mayor. While the loan was outstanding, the Deputy Borough President/Chief Advisor took actions that benefited the Debtor by: recommending that the Brooklyn Borough President’s Office hire the Debtor as her Special Assistant;

recommending the Debtor for promotion at the Borough President's Office; agreeing to the hiring of the Debtor as her Personal Assistant at the Mayor's Office; and agreeing that the Debtor was a good candidate for a promotion within the Mayor's Office (COIB Case No. 2022-475).

- Commissioner of the New York City Administration for Children's Services

The Commissioner of the New York City Administration for Children's Services ("ACS") paid a \$1,000 fine for using his City position in an attempt to obtain approval from the New York City Department of Finance ("DOF") to combine two condominiums he owned into a single tax lot. While that application was pending, the ACS Commissioner emailed the DOF Commissioner to request time to speak with him concerning "a personal matter." The DOF Commissioner agreed to a call later that day. After the call, the ACS Commissioner sent the DOF Commissioner an email identifying the application and thanking him for "looking into this." Later that day, DOF informed the ACS Commissioner that the application had been returned to his expeditor and needed to be resubmitted (COIB Case No. 2019-535).

- Commissioner of the New York City Department of Veterans' Services

The Board issued a public warning letter to the Commissioner of the New York City Department of Veterans' Services ("DVS") for soliciting a donation to the Mayor's Fund for the City of New York from the owner of a software company that was negotiating a contract with DVS. The Board resolved this matter with a public warning letter because it was the Board's first enforcement action for a violation of Board Rules § 1-14 (Official Fundraising) and in light of the relatively short period of time that elapsed between when that rule took effect and the conduct at issue (COIB Case No. 2020-352).

The Board also addressed significant Chapter 68 violations by other public servants:

- Computer Software Specialist III at the New York City Human Resources Administration

A now-former Computer Software Specialist III at the New York City Human Resources Administration ("HRA") paid a \$16,000 fine for committing multiple violations of the conflicts of interest law in connection with an information technology consulting and professional services firm he owns and operates. He attempted to get City contracts from multiple City agencies for his firm;

as part of those efforts, his firm falsely certified that the Software Specialist was not a City employee in submissions to the Mayor's Office of Contract Services. The Software Specialist obtained a consulting services contract with the New York City Commission on Human Rights through which his firm received more than \$13,000. The Software Specialist also used an HRA scanner and his HRA email account to perform work for his business (COIB Case No. 2020-537).

- Administrative Engineer at the New York City Department of Housing Preservation and Development

An Administrative Engineer at the New York City Department of Housing Preservation and Development ("HPD") paid a \$10,000 fine for attending 10 meetings with New York City Department of Buildings ("DOB") plan examiners and auditors related to his private engineering work. The Administrative Engineer also misused City time and City resources in relation to this work by attending nine meetings with DOB during his HPD work hours; using an HPD scanner to scan and email himself 70 documents related to his work; and using his HPD email account on three occasions to schedule appointments with DOB. In setting this penalty, the Board considered that the Administrative Engineer had been advised in 2005 not to engage in such conduct and had previously paid a fine to the Board & HPD for engaging in similar conduct (COIB Case No. 2021-258).

# Annual Disclosure

In 2022, the Annual Disclosure filing period ran from April 18 to May 13, 2022. After a successful pilot program in 2021, the Unit expanded its “e-packet” program to include almost twice as many filers during 2022. As a result, the Unit provided approximately 4,770 filers (out of 9,350, or 51%) with temporary passwords through a link sent by email rather than through the distribution of paper packets (as historically had been the process). With the assistance and patience of over 100 agency liaisons, the Unit helped the City’s total filing population of almost 10,000 successfully file their 2021 annual disclosure reports.

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Reports Filed<sup>1</sup></b>	<b>9,886</b>	<b>9,807</b>	<b>10,306</b>	<b>9,996</b>
<b>Filing Compliance<sup>2</sup> Rate</b>	<b>98.6%</b>	<b>98.5%</b>	<b>98.6%</b>	<b>98%</b>
<b>Reports Reviewed<sup>3</sup></b>	<b>8,984</b>	<b>760</b>	<b>10,711<sup>4</sup></b>	<b>8,800</b>
<b>Filers Advised of Potential Conflicts</b>	<b>165</b>	<b>79</b>	<b>131</b>	<b>240</b>
<b>Late Fines Collected</b>	<b>\$28,750</b>	<b>\$250</b>	<b>\$43,500</b>	<b>\$24,500</b>
<b>Certifications of Compliance Issued for Filers Leaving City Service</b>	<b>646</b>	<b>546</b>	<b>755</b>	<b>981</b>
<b>AD Reports Released</b>	<b>428</b>	<b>309</b>	<b>415</b>	<b>399</b>

<sup>1</sup> Reports are filed in the year following the year to which they pertain. Thus, during 2022, filers were required to submit reports for calendar year 2021. The numbers in this row reflect the total number of reports filed for the reporting year at any time, whether in the year the report was due or thereafter. Thus, for example, the number of reports listed for 2021 is higher than in the Board’s 2021 Annual Report because some filers submitted their 2020 report after the Annual Report was released.

<sup>2</sup> Calculated as of the applicable year-end.

<sup>3</sup> Final reports submitted by filers leaving City service are not reviewed.

<sup>4</sup> Because the 2020 filing period was delayed due to the COVID-19 pandemic, the review of 2019 reports extended into 2021; 1,938 of the reports reviewed were 2019 reports.

<b><u>2022 Filers</u></b>	
<b>Electronic Financial Disclosure Filers</b>	<b>9,350</b>
<b>Uncompensated Policymaking Boards and Commissions Filers</b>	<b>245</b>
<b>Public Authorities Accountability Act Filers</b>	<b>269</b>
<b>Tax Assessor Filers</b>	<b>149</b>
<b>Candidate Filers in Citywide Elections<sup>1</sup></b>	<b>0</b>
<b>Candidate Filers in Special Elections<sup>1</sup></b>	<b>0</b>

<sup>1</sup> During 2022, there were not any Citywide elections or special elections for City elective office.