

CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

**Basis, Structure, and Administration of
Conflicts of Interest (Government Ethics) Laws and
Annual Financial Disclosure (Asset Declaration) Laws**

New York City
June 2008

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[Training: Website Ethics Link: International Visitors: June 2008: Table of Contents]

ETHICS/ANTI-CORRUPTION PROGRAM

I. Types of Ethics/Anti-corruption Laws and Rules

- Ethics law (conflicts of interest law; financial (asset) disclosure law)

Purpose: To promote the reality and perception of integrity in government by preventing unethical conduct *before* it occurs

- Anti-corruption (official misconduct criminal) laws

Purpose: To punish the corrupt and deter the corruptible

- Personnel rules (*e.g.*, time and attendance requirements; reimbursement of expenses; sexual harassment)

Purpose: To establish guidelines on personnel matters for elected and appointed officials and a basis for disciplining appointed public servants

- Related laws and regulations: transparency laws (*e.g.*, freedom of information, open meetings); whistleblower laws; purchasing regulations (*e.g.*, requirements for competitive bidding); laws protecting individual rights (*e.g.*, anti-discrimination laws)

Intersection and overlap

E.g., A mid-level manager accepts tickets to a soccer game from a contractor with whom he is dealing on behalf of the government

– probably a matter for ethics enforcement

The manager, on government time and using a government car and driver, goes to the game

– probably a matter for ethics enforcement and disciplinary action

The tickets were merely one of many gifts the manager accepted from contractors with whom he dealt on behalf of the government, gifts that coincided with his approving the award of a contract to the contractor

– probably a corruption (criminal) investigation; ethics/disciplinary proceedings will probably await the outcome of the criminal proceeding (unless it is delayed)

II. Types of Officials in Ethics/Anti-corruption Context

- The incorruptible

Will comply with the applicable laws and rules, *provided that they know what those laws and rules are and understand them*

- The corrupt

Will regard public service as a means of personal enrichment, disregarding applicable laws and rules

- The corruptible

Will generally follow the applicable laws and rules, but are susceptible to the temptation to violate them

III. Application of Laws and Regulations to Officials

- The incorruptible

To guide their actions, these officials require only an understandable code of ethics and clear personnel rules

- The corrupt

Having little regard for ethics laws or personnel rules, these officials must be removed from public service as quickly as possible

- The corruptible

These officials require not only knowledge of the ethics laws and personnel rules but also convincing proof that those laws and rules, as well as anti-corruption (official misconduct criminal) laws will be strictly enforced

HOW TO MAKE AN ETHICS PROGRAM WORK

Mark Davies
New York City Conflicts of Interest Board

Educate public officials, the public, and the press about what the ethics law and the ethics board are and are not

- That the **purpose of ethics laws** is to promote both the reality *and the perception* of integrity in government by *preventing* unethical conduct *before* it occurs
- That the **focus** of ethics laws is therefore **upon prevention**, not punishment
- That ethics laws assume that the vast majority of **public servants are honest** and want to do the right thing, and thus that these laws are not meant to catch corrupt officials
- That ethics laws **do not regulate morality**, or even ethics, **but** conflicts (usually financial conflicts) between a public servant's official duties and private interests (*i.e.*, **divided loyalty**)
- That ethics laws should **encourage good people** to serve in government by providing guidance to officials and reassurance to citizens that their public servants are serving the public and not themselves

Facilitate the enactment of an effective government ethics law that promotes the above purpose and principles

- By resting upon the **three pillars** of
 - A clear, comprehensive, simple, and sensible **code of ethics**
 - Sensible transactional, applicant, and annual **disclosure**
 - Effective **administration** that provides quick and confidential advice, training and education, public disclosure, and reasonable enforcement
- By establishing an **independent ethics board**
 - With **pro bono members**, who have no other government position, engage in no political activities, have no government contracts, do not lobby the government, have fixed terms, and are removable only for cause
 - With **budget protection**

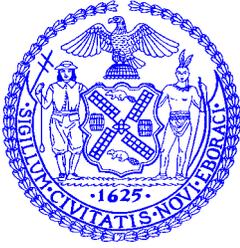
Develop a relationship with elected officials in the government

- To sensitize the board to the **political and real life implications** of ethics issues
- To sensitize the officials to the need to **ask before acting**
- To convince them that the ethics board focuses primarily on **prevention not punishment** and does not play “gotcha”
- To give them a **heads up** on minor violations that can (and should) be corrected administratively

Cultivate the press and civic groups, without allowing them to set the ethics board’s agenda

- By **educating** them about the purpose and principles of the ethics law and the need for confidentiality (to protect sources, to protect officials against unjustified accusations, and to encourage officials and witnesses to contact the board to obtain advice and file complaints)
- By understanding their role as the **eyes, ears, and mouth of the board**, which lacks the press’s and civic groups’ resources to ferret out conflicts of interest and get the word out about the ethics law
- By providing **background information** on the law, without commenting on pending or potential matters or on closed enforcement cases
- By ensuring that **findings of violations** are always public (no secret settlements)
- By seeking a **balance between confidentiality and openness** (e.g., public post-petition proceedings)

See Mark Davies, *Considering Ethics at the Local Government Level*, in ETHICAL STANDARDS IN THE PUBLIC SECTOR (American Bar Association 1999); Mark Davies, *Ethics in Government and the Issue of Conflicts of Interest*, in GOVERNMENT ETHICS AND LAW ENFORCEMENT: TOWARD GLOBAL GUIDELINES (Praeger 2000); Mark Davies, *A Practical Approach to Establishing and Maintaining a Values-Based Conflicts of Interest Compliance System*, ANNALS, IV GLOBAL FORUM ON FIGHTING CORRUPTION (Brasilia, June 7-10, 2005) (see pages 18-29 and 35-36 of article, reproduced at http://www.nyc.gov/html/conflicts/downloads/pdf2/DaviesArticle_final.pdf); Joel Rogers, *Communicating Ethics to Municipal Employees*, NYSBA/MLRC MUNICIPAL LAWYER 12 (Winter 2005); Steven G. Leventhal, *Running a Local Municipal Ethics Board: Tips for Drafting Advisory Opinions*, TALK OF THE TOWNS & TOPICS __ (May/June 2004); Mark Davies, *Adopting a Local Ethics Law – Part III: Administration*, NYSBA/MLRC MUNICIPAL LAWYER 11 (Winter 2008) (the final three articles may be found at <http://nyc.gov/ethics>, then Publications, then Directory of NYS Municipal Ethics Materials)



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GOVERNMENT ETHICS LAWS by Mark Davies

I. Purpose of Government Ethics Laws

To promote the reality and perception of integrity in government by preventing unethical conduct before it occurs.

II. Fundamental Principles of Governments Ethics Laws

- Prevention is better than punishment.
- Not only the reality but also the perception of integrity in government is critical.
- The vast majority of public officials are honest and want to do the right thing; ethics codes are for honest officials, not dishonest ones and are not intended to catch crooks.
- Ethics codes do not regulate morality (or even ethics) but rather conflicts (usually financial conflicts) between an official's public duties and private interests, that is, divided loyalty.
- Ethics laws must be understandable and sensible and tailored to the particular culture and government.
- Ethics laws help level the playing field between those with power and resources and those without.
- Ethics laws preserve and protect government resources.
- Ethics laws encourage good citizens to serve in government by providing guidance to public officials and reassurance to citizens that those officials are acting in the public interest.
- Private citizens and companies must have a stake in government ethics laws.
- Ethics laws undergird the essential values of the society.
- Even in the most corrupt society, an effective ethics system can provide an oasis from which integrity can grow.

Visit our home page at <http://nyc.gov/ethics>

III. The Three Pillars of an Effective Government Ethics Law

A. First Pillar: Code of Ethics

1. Requirements and Precepts

- Codes of ethics must fulfill the purpose and comply with the principles outlined above.
- The ethics code should set a minimum, uniform standard for all officers and employees, with perhaps some stricter standards for certain high level officials.
- An ethics code must set out a comprehensive list of do's and don'ts that will guide and protect public officials.
- The code of ethics must be simple, sensible, straightforward, and short and must be understandable by laypersons.
- Rules should be bright line whenever possible.
- Definitions and exceptions should not be included in the code but set forth in separate sections that limit but never expand the official's obligations under the Code.

2. Provisions

- a. General prohibition on use of office for private gain
- b. Prohibited positions or ownership interests
- c. Gifts from persons doing business with the government
- d. Confidential government information
- e. Appearances and representation before government agencies
- f. Private compensation for doing one's government job
- g. Inducement of other officials to violate the code of ethics
- h. Superior-subordinate financial or business relationships
- i. Solicitation of political contributions or activity from government employees
- j. "Two-hats" restrictions (simultaneous political party and government positions)
- k. Revolving door (post-employment restrictions):
 - (i) Negotiation;
 - (ii) Appearance ban;
 - (iii) Particular matter ban;
 - (iv) Confidential government information
- l. Avoiding conflicts of interest

- m. Improper conduct generally (appearance of impropriety)
- n. Restrictions on private persons and firms
 - (i) Causing an official to violate the code of ethics;
 - (ii) Appearing before a government agency having an employee who works for the private person or firm

B. Second Pillar: Disclosure

1. Transactional Disclosure and Recusal

2. Applicant Disclosure

3. Annual Disclosure

a. Purposes

- Focuses official's attention annually on ethics law
- Alerts public, media, supervisors, and vendors to official's possible conflicts of interest
- Provides a check on transactional disclosure
- Helps prevent conflicts of interest from occurring

b. Guidelines in Drafting Annual Disclosure Forms

- Comply with the purpose and principles of ethics laws generally
- Tailor them to the filer's position and agency
- Tie them to the code of ethics: request only information that would reveal a conflict of interest under the code
- Require disclosure only of the fact, not the amount, of the interest
- Make the forms as short and simple as possible while asking all of the relevant questions
- Compare the reports against other lists (e.g., vendor lists)
- Computerize the reports

c. Penalties for Failure to File or Failure to Supply Information

d. Public Availability

C. Third Pillar: Administration

1. Administrative Structure

- a. Ethics board independent from political process and outside influences (appointment by chief executive with advice and consent of legislature; fixed terms, with term limits; removable only for cause; protected budget)
- b. Prohibition on ethics board members having an interest in contracts with the government, lobbying the government in a private capacity, holding other offices with the government, or engaging in political activity; individuals of the unquestioned integrity who serve *pro bono* (and thus remain independent)

2. Duty to Train and Educate

- a. Most important function
- b. Raising red flags, not creating experts
- c. Training programs, starting with most susceptible first
- d. Train the trainer; ethics liaisons
- e. Interesting educational materials (whatever works)

3. Duty to Provide Legal Advice

- a. Quick oral and written advice to ethics questions
- b. Providing cover
- c. Confidentiality

4. Duty to Grant Waivers

- a. For the benefit of the government
- b. Legal standard required
- c. Agency approval
- d. Availability to public

5. Duty to Regulate Disclosure

- Collecting, reviewing, and maintaining disclosure forms and making them available to the public

6. Duty to Enforce Code of Ethics and Disclosure Law

a. Purpose

- To educate officials about the requirements of the ethics law, demonstrate that the government takes the law seriously, and deter other unethical conduct

b. Necessity

- Lack of effective enforcement authority renders an ethics board a toothless tiger that raises expectations it cannot meet and increases public cynicism; no one takes an ethics board seriously unless it possesses real enforcement power.

c. Principles of Ethics Enforcement

- Enforcement aims at prevention, not punishment.
- Government ethics laws must be largely self-enforcing through self-interest, peer pressure, whistleblowers, the public, civic groups, and particularly the media.
- Enforcement must be fair, equitable, and sensible.
- Private citizens must take responsibility for officials' compliance with the ethics law through applicant disclosure, prohibitions on inducement of violations, and penalties (e.g., debarment and voiding contracts).
- Ethics boards must fully control their own investigations through subpoena power, authority to commence investigations on the board's own initiative, assigned investigators or investigators on staff, and the power to draw upon additional investigative resources.
- Ethics boards must have full enforcement power over every officer or employee subject to the code of ethics.
- Ethics boards must be sufficiently funded to permit adequate investigations and enforcement.

d. Stages of the Enforcement Process

- Investigation
- Petition and response
- Hearing
- Imposition of penalty

e. Penalties

- Wide range of penalties required to “make the punishment fit the crime”
- Penalties imposed by the ethics board: civil fines; voiding of contract involving an ethics violation; private letters of censure
- Penalties imposed by others: damages; disgorgement of ill-gotten gains (perhaps doubled or trebled); disciplinary action; criminal penalties; debarment of persons or firms violating the ethics law; injunctions against violations
- Public settlements at any stage of the enforcement proceeding

f. Confidentiality

- Tension between protection of officials against unjust accusations and reassurance of public and complainants that ethics board aggressively pursues ethics violations
- Possible rule: enforcement proceeding becomes public only after petition is served by ethics board

g. Whistleblower Protection

- Government officials may not retaliate against anyone who blows the whistle on government corruption or ethics violations

For further information, see “A Practical Approach to Establishing and Maintaining a Values-Based Conflicts of Interest Compliance System” and “Administering an Effective Ethics Law: The Nuts & Bolts,” reproduced at:

<http://www.nyc.gov/html/conflicts/html/publications/index.shtml#International>

[Training: Website Ethics Link: Government Ethics Laws Rev]

GOVERNMENTAL ETHICS LAWS: THEIR PURPOSE AND BASES

The purpose of governmental ethics laws is to **improve the reality and perception of integrity in government.**

Governmental ethics laws are not:

- Really ethics laws at all - instead, they address **financial conflicts of interest** between an official's private interests and public responsibilities;
- Anti-corruption laws - ethics laws are **aimed at honest officials**, not dishonest ones;
- Penal laws - ethics laws focus on **prevention of conflicts of interest** *before* they occur, not on punishment after they occur, so training and education is the first priority.

Ethics laws can and will be obeyed only if they are **understandable and make sense.**

Ethics laws should also **punish contractors and applicants** who cause an official to violate the ethics law.

Ethics laws must be easy and **inexpensive to administer and enforce.**

Ethics laws are **enforced mainly by self-interest**, peer pressure, whistle blowers, concerned citizens, and the media - not by prosecutors or even by ethics boards.

An ethics law (especially a clear code of ethics) is **a government official's best friend** because it tells him or her what the rules are and protects the official against pressure from contractors, outside employers, relatives, and superiors.

Governmental ethics laws rest on **three pillars**:

- (1) A **code of ethics** - a simple, sensible, comprehensive, and understandable list of do's and don'ts
- (2) **Disclosure** -
 - (a) Disclosure and recusal when a conflict actually arises;
 - (b) Necessary annual disclosure to avoid conflicts of interest before they happen and to provide information to the media and the public, as a mechanism to enforce the ethics code;
 - (c) Disclosure by applicants submitting a bid, application, or other paper to a government official; the disclosure states the name and nature of any interest that any government official has in the applicant or the application;
- (3) **Enforcement and administration**, including an independent ethics office with the authority and resources to:
 - (a) Educate officials about the ethics law;
 - (b) Provide quick oral and written answers to ethics questions;
 - (c) Maintain disclosure forms and make them available to the public;
 - (d) Investigate violations of the code of ethics; and
 - (e) Impose civil fines and other penalties.

A government ethics law must be **tailored to the particular government and society**.

ORAL AND WRITTEN ADVICE

- Purpose:** To prevent conflicts of interest by giving government officers and employees quick answers to their ethics questions.
- Cover:** Advice, particularly written advice, provides “cover” for officials unjustly accused of violating the ethics code.
- Authority:** The ethics commission is the only agency authorized to authoritatively interpret the ethics law.
- Confidentiality:** The ethics commission's communications with government officials seeking advice must be protected against disclosure to the public or to other government agencies, at least to the extent that the government official asks for advice on future conduct. (Past conduct is a matter for enforcement, and officials should be told that.)
- Oral advice:** Ethics commission attorneys should be available every day to answer questions by telephone. An official should be able to ask a question without revealing his or her name.
- Written advice:** Written opinions should be given quickly. Simple questions should be answered by staff. Only complicated questions should go to the commission.
- Ethics officers:** If possible, set up ethics officers in every agency, who will act as a liaison to the ethics commission. But officials must always be able to come directly to the ethics commission.
- Opinions:** Written advisory opinions should be distributed to every agency so that officials may consult them. The opinions should not reveal who requested the opinion.
- Waivers:** Ethics commissions should have limited power to waive certain provisions of the code of ethics where they do not make sense in the particular case.

TRAINING AND EDUCATION

- Purpose:** To prevent conflicts of interest violations by teaching officials about the code of ethics. Ethics training is the most important function of an ethics agency.
- Goal:** To alert public servants to possible conflicts of interest and the need to ask before acting.
- Target:**
- Eventually, every government officer and employee should receive some ethics training. Even low-level employees, who have little danger of a conflict of interest, should know the law in order to keep an eye on their supervisors.
 - Training should begin with all new public servants; public servants who give ethics advice within agencies, such as attorneys or personnel officers; and public servants most at risk of conflicts of interest (high level officials and those involved in purchasing, contracting, issuance of permits, and inspections).
 - If possible, set up ethics trainers in each agency, who will train that agency's employees – a “train the trainer” approach.
 - Vendors and contractors who work with the government should also receive training about the ethics law.
- Approach:** To be effective, ethics training must be interactive and interesting.
- Programs:**
- Live training – the most effective but least efficient (e.g., workshops, briefings, and seminars; games, exercise, Q&A, role-playing)
 - An annual seminar for high level officials, which they are required to attend and at which the head of the government stresses how important the ethics law is
 - An ethics compliance program in each agency that insures that the agency employees know and understand the law
 - Resource: Council on Governmental Ethics Laws (COGEL)
- Ethics Officers:** If possible, set up ethics officers in every agency, who will be responsible for making sure ethics training is given and who will act as a liaison to the ethics commission.
- Materials:**
- Rules for training materials: effective; accurate; in good taste
 - A plain language guide on the law (one-pager; two-pager)
 - Videotapes/DVD's targeted a public officials generally, specifically agencies (e.g., police, fire), and vendors
 - Short leaflets on various ethics topics and for various types of employees (e.g., purchasing agents) and for contractors; bookmarks; comic books
 - Posters in every agency; quarterly newsletter; articles in union newsletters
 - Extensive website
 - Interactive web-based conflicts of interest training program
 - Public service announcements
- Evaluations:** Ethics commissions should evaluate how effective their training and education programs are.

DISCLOSURE

TRANSACTIONAL DISCLOSURE AND RECUSAL

What it is: A transactional disclosure discloses the name of the official and the nature of a conflict of interest when it actually arises. In a recusal, the official disqualifies himself or herself from discussing, acting on, or voting on the matter. Example: "This contractor is my brother-in-law, and I recuse myself from this matter."

Purposes: (1) Transactional disclosure informs the public, other government officials, persons doing business with the government, and the media about the conflict of interest.

(2) Recusal (disqualification) prevents the conflict of interest from occurring.

Form: (1) If the disclosure is made at a public meeting, an oral disclosure is sufficient if it is put in the minutes of the meeting.

(2) If the disclosure is not made at a public meeting, the disclosure must be in writing and filed with the official's agency and the ethics commission.

APPLICANT DISCLOSURE

What it is: Applicant disclosure is disclosure by a private person or non-government entity that is bidding on government business or requesting a permit or license from the government.

Purposes: (1) To make government officials aware of their own possible conflicts of interest;

(2) To alert other government officials, other bidders or applicants, the public, and the media of possible conflicts of interest.

Form: The bidder or applicant must state in the bid or application the name of any official in the government that has an interest in the bidder or applicant or in the bid or application itself, to the extent the applicant knows. "Interest" should include the interest of family members of the official. Example: "Mr. _____, an owner of the company, is the brother of _____, the [government's] Director of _____."

ANNUAL DISCLOSURE

- What it is:** Annual disclosure discloses once each year certain basic information about the filer, such as the location of his or her real property and the names of his or her private employer (if any).
- Purposes:**
- (1) To focus the attention of officials at least once each year on where their potential conflicts of interest lie - for example, if an official's brother is a builder, that official will have a possible conflict if his or her agency deals with the brother.
 - (2) To let the public, the media, the government, and people who do business with the official's agency know what the official's private interests are.
 - (3) To provide a check on "transactional" disclosure - that is, disclosure when a potential conflict actually occurs.
 - (4) To help prevent conflicts of interest from occurring.
- Who Discloses:** Only those officials who are in a position to have a significant conflict of interest, including elected officials; candidates for elective office; members of commissions and boards; department heads and their deputies; officials who set government policy; officials involved in negotiating, approving, paying, or auditing contracts; officials involved in adopting or changing laws or regulations.
- Form:**
- (1) Should be tailored to the position and agency, if possible.
 - (2) Must be tied to the code of ethics; an annual disclosure form should only ask for information that would show a possible violation of the code of ethics.
 - (3) Must be as short and simple as possible. See two-page form by New York State Temporary State Commission on Local Government Ethics.

AVAILABILITY OF DISCLOSURE FORMS

Disclosure forms must be easily and quickly available to the public, the media, other government officials, and people who do business with the official's agency.

ENFORCEMENT

- Purposes:**
- (1) To educate officials about the requirements of the code of ethics;
 - (2) To show officials that the government is serious about the ethics law;
 - (3) To punish unethical behavior and discourage other officials from committing conflicts of interest (deterrence).
- Stages:**
- (1) Receipt of a complaint (oral or written; identified or anonymous) or other information showing a possible ethics violation (for example, from a newspaper article);
 - (2) Determination if an ethics violation may have occurred;
 - (3) Investigation;
 - (4) Notification to the official that he or she may have violated the code of ethics and receipt of the official's answer to the charges;
 - (5) Hearing on the charges;
 - (6) Imposition of penalty (for example, a civil fine).
- Penalties:**
- (1) Civil fines (not a criminal penalty) (e.g., up to \$10,000 in NYC);
 - (2) Disciplinary action (censure, suspension, removal from office);
 - (3) Damages (for harm to the government - for example, because the contract with the official's brother cost more than it should have);
 - (4) Disgorgement of ill-gotten gains (the official must give up any gains he or she received from the ethics violation, even if the government was not hurt);
 - (5) Criminal penalties (jail, fines), where the official was corrupt (for example, where he or she took a kickback to award a contract) - but usually these cases fall under other criminal laws and are handled by the prosecutors, not by the ethics commission;
 - (6) Debarment (prohibiting the official or company from doing any business with the government for, say, three years);
 - (7) Nullification of government contracts obtained as a result of an ethics violation.

[Training: Website Ethics Link: IVM: June 2008: Governmental_Ethics_Laws_REV]

PRINCIPLES OF ENFORCEMENT OF GOVERNMENT ETHICS LAWS

1. Government ethics laws aim at prevention, not punishment.

Enforcement must be educational, not punitive.

2. Government ethics laws must be largely self-enforcing.

Absent an army of investigators, ethics boards must rely for enforcement primarily upon self-interest, peer pressure, whistle blowers, concerned citizens, and particularly the media.

3. Enforcement must be not only fair and equitable, both in reality and perception, but also sensible.

Time should not be wasted on unimportant issues.

4. A range of penalties must be available.

The law must authorize private letters of censure, negotiated dispositions (settlements), civil fines, nullification of improper contracts, damages, disgorgement of ill gotten gains (potentially trebled), disciplinary action, criminal penalties (in limited circumstances), injunctive relief, and debarment from future government contracts.

5. Private citizens must take responsibility for officials' compliance with ethics laws.

The law must require applicant disclosure, prohibit inducing a public servant to violate the ethics law, and provide appropriate penalties, including debarment, for violations.

6. In decentralized governments, enforcement should be conducted at the local level, with state oversight.

The state should intervene only in four instances: upon request of the local ethics board; where the local board cannot act because of vacancies or absence of a quorum; where the complaint lies against a member of the

ethics board itself; or where the municipality lacks an ethics board. Municipalities should have the option of forming joint ethics boards or contracting out to another municipality for an ethics board.

7. Ethics boards must be independent.

Provisions on appointment and qualifications of members must, to the extent possible, ensure their impartiality.

8. Ethics laws must empower ethics boards to conduct their own investigations.

Ethics boards must have subpoena power and investigators on staff, with authority to initiate investigations without a complaint, but also the power to draw upon additional resources, such as a department of investigation.

9. Ethics boards must be funded sufficiently to permit adequate investigation and enforcement.

The very nature of their business requires that ethics boards be lean and mean, but not cadaverous. Inadequate resources invite public censure and cynicism.

10 Confidentiality rules must protect officials from unfounded accusations while reassuring other officials, complainants, and the public that the ethics board will address accusations of ethical impropriety quickly, aggressively, and fairly.

To permit the ethics board to weed out unsubstantiated or unfair accusations, ethics laws should provide for a confidential probable cause notice to the alleged violator. Only after an ethics board receives the answer to the notice and sustains probable cause should the pleadings and proceedings become public.

[Training: Senegal_Enforcement_Principles]

Annual Disclosure Statements: Purpose, Principles, and Guidelines

Purpose:

The purpose of an annual disclosure statement, like the purpose of conflicts of interest (government ethics) laws generally, lies in promoting both the reality *and the perception* of integrity in government by *preventing* conflicts of interest *before* they occur.

Therefore, annual disclosure

- Focuses on prevention not punishment. The intent is to prevent conflicts of interest from occurring in the first place, not to punish them after the fact.
- Is not intended to catch crooks or to stop the corrupt.
- Is concerned not only with reality but also with perception.

Principles:

Annual disclosure seeks to prevent conflicts of interest from occurring by

- Focusing the attention of officials at least once each year on where their potential conflicts of interest lie.
- Letting the ethics board, as well as the public, the media, the government, and people who do business with the official's agency, know what the official's private interests are.
- Providing a check on "transactional" disclosure - that is, annual disclosure will reveal if the filer is making required transactional disclosures and recusals.

Guidelines:

- Annual disclosure statements reveal conflicts of interest only when compared against something else, such as a list of no-bid contracts or county vendors or actions taken by the public official.
- Annual disclosure statements must be public to enable the public and particularly the media to determine whether a public official has an actual or potential conflict between his or her public duties and private interests, as revealed on the disclosure statement.
- In order to obtain compliance, the annual disclosure law must provide for late filing fines and significant penalties for failure to file, for failure to report required information, or for misstatements of information.
- The annual disclosure form must be tied in to the conflicts of interest law; the form should request *only* information that would reveal a conflict of interest under the code.
- For example, if it's not a conflict of interest for a public official to award a contract to a company when she owns only 1,000 dollars in the company's stock, then she should not have to report that stock on an annual disclosure statement.
- Creating an annual disclosure form is an exercise in zero-based drafting: start with a blank page and request only that information that, when compared against the responsibilities and actions of a public official, may reveal a conflict of interest.
- Since the form is tied to the conflicts of interest code, amounts are irrelevant – whether a conflict is a 5,000-dollar conflict or a 50,000-dollar conflict, it is still a conflict and is still prohibited.
- An annual disclosure statement should be short, simple, and clear and not create traps for public officials.
- Annual disclosure must strike a balance between reassuring citizens that public officials are acting in the public interest and encouraging honest citizens to serve in government, particularly as volunteers.

[Training: Website Ethics Link: FD Purpose]

MODEL ANNUAL DISCLOSURE FORM

[COUNTY, CITY, TOWN, OR VILLAGE] OF _____
 ANNUAL DISCLOSURE STATEMENT
 FOR CALENDAR YEAR 2007

Last Name	First Name	Initial
Title	Department or Agency	
Work Address	Work Phone No.	

If the answer to any of the following questions is “none,” please so state. Attach additional pages if necessary.

1. Outside Employers and Businesses. List the name of every employer or business, other than the [municipality], from which you received more than \$1,000 for services performed or for goods sold or produced, or of which you were a paid member, officer, director, or employee during the year 2007. Do not list individual customers or clients of the business. Do not list businesses in which you were an investor only (they are listed in Question 2 below). Identify the nature of the business and the type of business, such as a partnership, corporation, or sole proprietorship, and list your relationship(s) to the employer or business (*i.e.*, owner, partner, officer, director, member, employee, and/or shareholder). Provide the same information for your relatives. “Relative” means your spouse, registered domestic partner, child, stepchild, brother, sister, parent, stepparent, any person you claimed as a dependent on your latest income tax return, and their spouses or registered domestic partners.¹

Name of Family Member	Relationship to You	Name of Employer or Business	Nature of Business	Type of Business	Relationship to Business
<i>[E.g.: John Smith]</i>	<i>Self</i>	<i>TechIM</i>	<i>Computers</i>	<i>Corp.</i>	<i>Pres./ Shareholder]</i>
<i>[E.g.: Rose Smith]</i>	<i>Wife</i>	<i>Monument Realty</i>	<i>Real Estate</i>	<i>Partnership</i>	<i>Employee]</i>

¹ “Relative” should be defined to include only those relatives whom, under the ethics code, an official may not take an action to benefit.

2. **Investments.** List the name of any entity in which you have an investment of at least 5% of the stock or debt of the entity or \$10,000,² whichever is less. Do not list any entity listed in response to Question 1 above. Identify the nature of the business and the type of business (*e.g.*, corporation). Provide the same information for your spouse or registered domestic partner and any of your children who are under age 18.

Name of Family Member	Relationship to You	Name of Entity	Nature of Business	Type of Business
------------------------------	----------------------------	-----------------------	---------------------------	-------------------------

<i>[E.g.: John Smith]</i>	<i>Self</i>	<i>Verizon</i>	<i>Communications</i>	<i>Corp.]</i>

3. **Real Estate.** List the address of each piece of real estate that you or your relatives, as defined in Question 1, own or rent, in whole or in part, or otherwise have a financial interest in. List only real estate that is located in the [municipality] and the [contiguous municipalities]. For residential property, list as the address only the city or village (or, if none, the town) in which the property is located.

Name of Family Member	Relationship to You	Address of Real Estate	Type of Interest
------------------------------	----------------------------	-------------------------------	-------------------------

<i>[E.g.: Robert Smith]</i>	<i>Father</i>	<i>2 Main St., Teatown</i>	<i>Hold mortgage]</i>

² The amount should equal the threshold for a conflict of interest under the municipal ethics law. If an official does not violate the ethics law by acting to benefit a company in which he or she has an investment of less than \$10,000 or 5%, then disclosure of that interest should not be required.

4. **Gifts.** List each gift that you or your spouse or registered domestic partner received worth \$10³ or more during the year 2007, except gifts from relatives, as defined in Question 1. A “gift” means anything of value for which you or your spouse or registered domestic partner paid nothing or paid less than the fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursements, tickets, entertainment, hospitality, or in any other form. Separate gifts from the same or affiliated donors during the year must be added together for purposes of the \$10 rule. You do not need to list a gift if you know that the donor has had no business dealings with the [municipality] during the previous 24 months and contemplates no business dealings with the [municipality] during the next 24 months.

Recipient of Gift	Donor of Gift	Relationship to Donor	Nature of Gift
--------------------------	----------------------	------------------------------	-----------------------

[E.g.: John Smith Acme Corp. Former employer Free trip to Las Vegas]

5. **Political Contributions.** List each person or firm that made to you or your campaign committee, within the previous 24 months, financial contributions, in money, goods, or services, totaling \$1,000⁴ or more to assist in your election to public office.

Name of Contributor

[E.g.: Alfred Jones]

³ The amount should equal the threshold for prohibited gifts under the municipal ethics law but not more than \$75 (see Gen. Mun. Law § 805-a(1)(a)).

⁴ The amount should equal the threshold for a conflict of interest under the municipal ethics law. If an official does not violate the ethics law by acting to benefit a person who donated \$500 to the official’s campaign, then disclosure of that contribution should not be required on the annual disclosure statement.

6. **Relatives in [Municipality's] Service.** List each relative, as defined in Question 1, who is an officer or employee of the [municipality], whether paid or unpaid, including the relative's name, relationship to you, title, and department.

Name of Family Member	Relationship to You	Title	Department
------------------------------	----------------------------	--------------	-------------------

[E.g.: Alex Jones Sister's husband Code Enf. Officer Building]

7. **Volunteer Positions.** List each volunteer office or position that you hold with any not-for-profit organization. Do not list entities of which you were a member only or for which you volunteered only in a non-policymaking, non-administrative capacity, such as a Little League coach. Provide the same information for your spouse or registered domestic partner.

You or Spouse/RDP	Name of Entity	Position	Nature of Business
--------------------------	-----------------------	-----------------	---------------------------

[E.g.: Spouse Shepherd's Food Panty. Bd. of Directors member Distributes free food]

8. **Money You Owe** [Elected Officials and Policymakers Only]. List each person or firm to which you or your spouse or your registered domestic partner owes \$1,000⁵ or more. Do not list money owed to relatives, as defined in Question 1. Do not list credit card debts unless you have owed the money for at least 60 days.

Debtor	Creditor	Type of Obligation
---------------	-----------------	---------------------------

<i>[E.g.: John & Rose Smith]</i>	<i>Chase Bank</i>	<i>Mortgage loan</i>

9. **Money Owed to You** [Elected Officials and Policymakers Only]. List each person or firm that owes you or your spouse or your registered domestic partner \$1,000⁶ or more. Do not list money owed by relatives, as defined in Question 1.

Creditor	Debtor	Type of Obligation
-----------------	---------------	---------------------------

<i>[E.g.: John Smith]</i>	<i>Alexis Doe</i>	<i>Personal loan</i>

I certify that all of the above information is true to the best of my knowledge and that, within the past two weeks, I have read the two-page ethics guide attached to this form.

Signed: _____

Date Signed: _____

⁵ The amount should be equal to the amount that would constitute a financial relationship between the official and the creditor, thus prohibiting the official from taking an official action that might benefit that creditor.

⁶ The amount should be equal to the amount that would constitute a financial relationship between the official and the debtor, thus prohibiting the official from taking an official action that might benefit that debtor.

[Training: Website Ethics Link: FD Model Form March 2007]

ETHICS GUIDE: NYC CONFLICTS OF INTEREST LAW (PLAIN LANGUAGE VERSION*)

1. **Misuse of Office.** You may not take an action or fail to take an action as a public servant if doing so might financially benefit you, a family member, or anyone with whom you have a business or financial relationship.
2. **Misuse of City Resources.** You may not use City letterhead, personnel, equipment, supplies, or resources for a non-City purpose, nor may you pursue personal or private activities during times when you are required to work for the City.
3. **Gifts.** You may not accept anything of value for less than its fair market value from anyone that you know or should know is seeking or receiving anything of value from the City.
4. **Gratuities.** You may not accept anything from anyone other than the City for doing your City job.
5. **Seeking Other Jobs.** You may not seek or obtain a non-City job with anyone you are dealing with in your City job.
6. **Moonlighting.** You may not have a job with anyone that you know or should know does business with the City or receives a license, permit, grant, or benefit from the City.
7. **Owning Businesses.** You may not own any part of a business or firm that you know or should know does business with the City or receives a license, permit, grant, or benefit from the City, nor may your spouse, nor your domestic partner, nor any of your children if they are under 18.
8. **Confidential Information.** You may not disclose confidential City information or use it for any non-City purpose, even after you leave City service.
9. **Appearances.** You may not accept anything from anyone other than the City for communicating with any City agency or for appearing anywhere on a matter involving the City.
10. **Lawyers and Experts.** You may not receive anything from anyone to act as a lawyer or expert against the City's interests in any lawsuit brought by or against the City.
11. **Buying Office or Promotion.** You may not give or promise to give anything to anyone for being elected or appointed to City service or for receiving a promotion or raise.
12. **Business with Subordinates.** You may not enter into any business or financial dealings with a subordinate or superior.
13. **Political Solicitation of Subordinates.** You may not directly or indirectly ask a subordinate to make a political contribution or to do any political activity.
14. **Coercive Political Activity.** You may not force or try to force anyone to do any political activity.
15. **Coercive Political Solicitation.** You may not directly or indirectly threaten anyone or promise anything to anyone in order to obtain a political contribution.

16. **Political Activities by High-Level Officials.** If you are an elected official, deputy mayor, agency head, deputy or assistant agency head, chief of staff, or director or member of a board or commission, you may not hold political party office or ask anyone to contribute to the political campaign of a City officer or City employee or to the political campaign of anyone running for City office.
17. **Post-Employment One-Year Ban.** For one year after you leave City service, you may not accept anything from anyone, including the City, for communicating with your former City agency.
18. **Post-Employment One-Year Ban for High-Level Officials.** If you are an elected official, deputy mayor, chair of the city planning commission, or head of the office of management and budget, law department, or department of citywide administrative services, finance, or investigation, for one year after you leave City service, you may not accept anything from anyone, including the City, for communicating with your former branch of City government.
19. **Post-Employment Particular Matter Bar.** After you leave City service, you may never work on a particular matter you personally and substantially worked on for the City.
20. **Improper Conduct.** You may not take any action or have any position or interest, as defined by the Conflicts of Interest Board, that conflicts with your City duties.
21. **Inducement of Others.** You may not cause, try to cause, or help another public servant to do anything that would violate this Code of Ethics.
22. **Disclosure and Recusal.** As soon as you face a possible conflict of interest under this Code of Ethics, you must disclose the conflict to the Conflicts of Interest Board and recuse yourself from dealing with the matter.
23. **Volunteer Activities.** You may be an officer or director of a not-for-profit with business dealings with the City if you do this work on your own time, you are unpaid, the not-for-profit has no dealings with your City agency (unless your agency head approves), and you are in no way involved in the not-for-profit's business with the City.

FOR ADDITIONAL INFORMATION, CONTACT

**NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)**

OR VISIT THE BOARD'S WEB SITE AT

<http://nyc.gov/ethics>

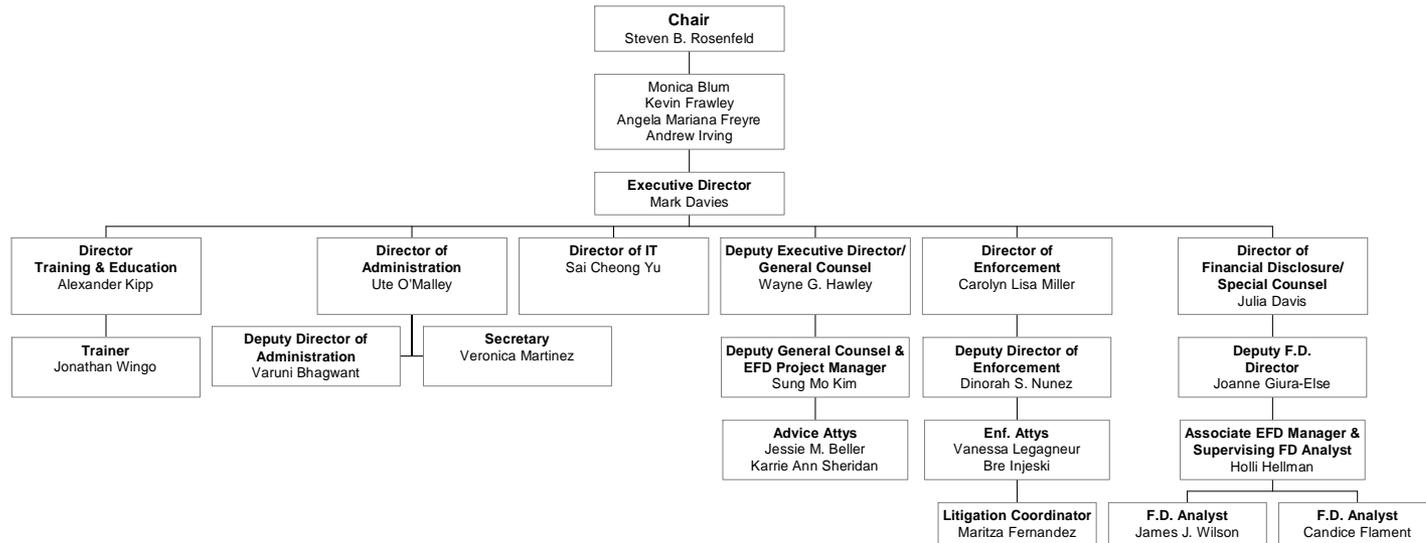
* This material is intended as a general guide. It is not intended to replace the text of the law (NYC Charter § 2604). For more particular information or to obtain answers to specific questions, you may write or call the Board.

THE STRUCTURE AND FUNCTION
OF THE
NEW YORK CITY CONFLICTS OF INTEREST BOARD

- I. Introduction: NYC Charter Chapter 68; Ad. Code § 12-110
- II. NYC Conflicts of Interest Board
 - A. Structure (Charter § 2602)
 - B. Duties
 - 1. Education and Training (§ 2603(b))
 - 2. Advice (oral, advisory opinions, staff letters) (§ 2603(c))
 - 3. Orders and Waivers (§ 2604(a)(3)-(4), (e))
 - 4. Investigation and Enforcement (§ 2603(e)-(h))
 - 5. Financial Disclosure (§ 2603(d); Ad. Code § 12-110)
 - 6. Legislative and Administrative Initiatives (§ 2603(a), (j))
 - C. Confidentiality (Charter § 2603(c)(3), (f), (h)(4)-(5), (k); Ad. Code § 12-110(c))
- III. Conflicts of Interest Provisions (Charter § 2604(a)-(d))
 - A. Use of Public Position for Private Gain (§ 2604(b)(1)-(3))
 - B. Appearances before City Agencies (§ 2604(b)(6)-(8))
 - C. Prohibited Interests (positions; ownership) (§ 2604(a))
 - D. Gifts, Gratuities, and Honoraria (§ 2604(b)(5), (13))
 - E. Moonlighting (§§ 2604(a), (b)(2)-(4), (6)-(8), (14))
 - F. Not-for-Profit Activities (§ 2604(c)(6))
 - G. Political Activities (§ 2604(b)(9), (11), (12), (15))
 - H. Post-Employment (Revolving Door) (§ 2604(d))
 - I. Miscellaneous (confidential information, purchase of position, contracts with subordinates) (§ 2604(b)(4), (10), (14))
- IV. Disclosure
 - A. Financial (Ad. Code § 12-110; Charter § 2603(d))
 - B. Transactional (Charter §§ 2604(b)(1), 2605)
- V. Enforcement
 - A. Complaints, Investigations, Hearings, Orders (Charter § 2603(e)-(h))
 - B. Penalties (Charter § 2606; Ad. Code § 12-110(h))

CONFLICTS OF INTEREST BOARD

ORGANIZATION CHART



CONFLICTS OF INTEREST BOARD: 1993, 2001, 2006, 2007

<i>Agencywide</i>	1993	2001	2006	2007
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$1,852,196 (FY07)	\$1,916,476 (FY08)
Staff (budgeted)	26	23 ^{3/5} ¹	20	21
Highlights		Virtually all ethics publications on website; opinions & enforcement decisions on Westlaw & Lexis	Website visitors increased to 239,140, with 446,904 views	Highest number ever of training classes, advice calls, advice letters, enforcement dispositions imposing fines, and public warning letters
<i>Legal Advice</i>	1993	2001	2006	2007
Staff	6-½ (4-½ attorneys)	4 (3 attorneys)	4 attorneys ²	4 attorneys
Telephone requests for advice	?	1,650	2,895	3,326
Written requests for advice	321	539	568	613
Issued opinions, letters, waivers, orders	266	501	415	605
Opinions, etc. per attorney	53	167	172	151
Pending requests at year end	151	40	225	178
Median age of pending requests at year-end	8-½ months	18 days	7-½ months	7 months
<i>Enforcement</i>	1993	2001	2006	2007
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
Complaints received	29	124	328	465
Cases closed	38	154	530	429
Dispositions imposing fines	1	10	19	61
Public warning letters	0	2	7	26
Fines collected	\$500	\$20,450	\$30,460 ³	\$76,750 ⁴
Referrals to DOI	19	49	154	137
Reports from DOI	?	43	120	143

Training and Education	1993	2001	2006	2007
Staff	1	4 ³ /5 ³	2 ⁵	2
Training sessions	10	190 24 agencies; CLE	194 36 agencies Brown Bag Lunches; class for vendors; expanded community board outreach; new CLE offerings through DCAS; new training class for training directors of other agencies; interactive theatrical presentation in chapter 68 for citywide seminar & UN	416 62 agencies, Brown Bag Lunches; expanded community board outreach; new CLE curricula approved; interactive theatrical presentation; new collaborations with MOCS in procurement training
Board of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	Outreach to DOE speech therapists	75 training sessions, DOE leaflet updated
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Monthly column in <i>The Chief</i>	Over 50 Monthly column in <i>The Chief</i> ; new article in <i>Public Employees' Press</i> ; New leaflet: <i>Financial Relationships between Co-Workers</i> ; <i>Plain Language Guide</i> overhauled and reformatted, new poster created and produced

<i>Training and Education (cont'd)</i>	1993	2001	2006	2007
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> continued	<i>Ethical Times</i> continued
Videotapes	None	3 half-hour training films; 2 PSA's	Old videos transferred to DVD; old videos digitized and posted on website	New video developed and shot.
Electronic training	None	Computer game show; Crosswalks appearances	Computer game show updated; DoITT working on bid for creation of electronic learning platform	DoITT working on bid for creation of electronic learning platform; regular website maintenance and updates
<i>Financial Disclosure</i>	1993	2001	2006	2007
Staff	12	5	5	6
6-year compliance rate	99%	98.6%	97.4%	96.7%
Fines collected	\$36,051	\$31,700	\$8,075	\$2,100
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	6,700 ⁶	All
Reports reviewed for conflicts (mandated by law)	350	38	818	134
Filing by City-affiliated entities (e.g., n-f-ps)	0	0	0	In process
Electronic filing	None	In development	Phase 3 filing (6,700 filers)	All filers file electronically

¹ The part-time (3/5) position, a senior trainer, was not part of the Board's budgeted headcount of 23.

² The FY2007 budget added a fourth line for the Legal Advice Unit, which had only two attorneys from April through October 2006, when the third line was backfilled, and did not add the fourth attorney until December, for an average of 2.4 attorneys in 2006.

³ Includes, in addition to fines imposed by and paid to the Board in 2006, (1) a \$15,000 fine, payable to the Board, imposed in a criminal proceeding for violation of Chapter 68 and the financial disclosure law and (2) \$1,500 from a fine imposed in 2005 but paid in 2006 pursuant to a payment schedule.

⁴ The Board imposed fines totaling \$87,100, but has only collected \$76,750, as the result of a payment plan in one case, allowed to the respondent after a showing of financial hardship, and the default in two other cases by the respondents after adverse judgments against them the Board in adopting the Report and Recommendation of Administrative Law Judges at the Office of Administrative Trials and Hearings.

⁵ From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from January to mid-July, and the new hire needed to be trained before he could begin teaching classes.

⁶ This figure reflects active City employees, all of whom, except assessors, filed electronically; an additional 500 filers, consisting of former public servants, filed paper reports.

NEW YORK CITY
CONFLICTS OF INTEREST BOARD

REPRESENTATIVES OF FOREIGN GOVERNMENTS
VISITING THE BOARD

Angola	Kosovo
Argentina	Kyrgyzstan
Armenia	Latvia
Azerbaijan	Lithuania
Brazil	Macedonia
Bulgaria	Malawi
Canada	Maldives
China	Mexico
Colombia	Moldova
Costa Rica	Montenegro
Croatia	New South Wales (Australia)
Czech Republic	Nicaragua
Dominican Republic	Pakistan
Ecuador	Panama
Egypt	Paraguay
El Salvador	Peru
Gaza	Queensland (Australia)
Georgia	Romania
Guatemala	Russia
Guyana	Senegal
Haiti	Serbia
Honduras	Shanxi Province (China)
Hong Kong (China)	South Africa
Hungary	South Korea
Indonesia	Taiwan
Israel	Tanzania
Italy	Thailand
Jamaica	Tunisia
Kazakhstan	Vietnam
Kenya	Zambia
Korea	Zimbabwe

[Training: Website Ethics Link: International Visitors Manual: June 2008: International Visitors June 1 2008]

REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613

RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

<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
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605

CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York, 10007
(212) 442-1400

Fax: (212) 442-1407 TDD: (212) 442-1443

Charitable Contributions
Superior- Subordinate Relationship
Sale of Products

Charter Sections: 2604(b)(2), (b)(3), (b)(4) and (b)(14)

Advisory Opinion No. 98-12

The Conflicts of Interest Board (the "Board") has received a request for an opinion from a public servant employed by a City agency (the "Agency"), asking whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, she may sell beauty products to her subordinates within the Agency. The Board has also been asked whether a superior may ask a subordinate to contribute to a charitable organization.

For the reasons discussed below, it is the opinion of the Board that it would be a violation of Chapter 68 for the public servant to sell beauty products to her subordinates within the Agency. It would also be a violation of Chapter 68 for a superior to solicit charitable contributions from a subordinate. The Board has determined, however, that a subordinate may sell products to a superior, or solicit donations for charitable purposes from a superior, if the amount involved is de minimis. The Board considers de minimis to be \$25.00 or less. Further, the Board has also determined that agencies may determine whether and to what extent employees who are peers may sell products to each other or solicit donations from each other for charitable purposes.

Background

From time to time, the Board receives requests from public servants regarding the propriety of selling items within their agency or soliciting donations to charitable causes. As examples, public servants sell sweets for their children's schools, seek sponsors within their agency for walkathons, or sell cosmetic products to earn outside, non-City income. The sale of items can include anything from Girl Scout cookies to raffle tickets for charity. In some cases it is a superior selling to a subordinate and in others it is a subordinate selling to a superior or a peer selling to a peer.

Discussion

The sale of items, whether for charitable purposes or as part of a side business, is governed by several Charter provisions. These provisions are contained in Charter Sections 2604(b)(2), (b)(3) and (b)(14). The purpose of all of these provisions is to preserve the integrity of public service, to prevent City employees from being exposed to official coercion in their City positions, and to prevent employees from using their City positions for personal gain.

Charter Section 2604(b)(2) provides that no public servant shall engage in any business, transaction, or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of

his or her official duties. Charter Section 2604(b)(3) provides that no public servant shall use or attempt to use his or her official position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

Charter Section 2604(b)(14) states, "No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant."

The Charter Revision Commission defined the superior-subordinate relationship as follows:

Subordinates are not limited to individuals directly under and reporting to the public servant, but include all individuals in lower positions in the organizational hierarchy of the agency, whose work the public servant has the power to direct or whose terms and conditions of employment the public servant has the power to affect.

See Volume II, Report of the New York City Charter Revision Commission,
December 1986 - November 1988, p. 178.

Conclusion

It is the opinion of the Board that superiors may not ask subordinates to purchase items or contribute to charitable causes. Accordingly, the sale of raffle tickets, Girl Scout cookies, cosmetic products or similar items by a superior to a subordinate is entirely proscribed by Charter Section 2604(14) and therefore

would violate Chapter 68. In addition, it is the opinion of the Board that for a superior to request a subordinate to sign up for a bike-a-thon, walk-a-thon, or similar charitable activity or to request a charitable donation would also be in contravention of Charter Section 2604(14) and therefore would violate Chapter 68, unless the charitable activity or fundraiser is sponsored by the City.

The question then remains as to whether a subordinate may sell products to or solicit donations from superiors. In this regard, it is the opinion of the Board that if the amount involved is de minimis, then such an exchange would not violate Chapter 68. The Board considers de minimis to be \$25.00 or less. However, City agencies may determine that a lesser amount is appropriate. Further, it is the opinion of the Board that agencies may determine whether and to what extent employees who are peers may sell products to each other or solicit donations from each other for charitable purposes.

In addition, to the extent the above-mentioned activities are permitted, they must be conducted in accordance with Charter Sections 2604(b)(2) and (b)(3). This means that these activities must be performed at times when the public servants are not required to perform services for the City and that the public servants may not use their official City position or title to obtain any private or personal advantage; and that public servants do not use City equipment, letterhead, personnel or other City resources in connection with this non-City work. See Charter Sections 2604(b)(2) and (b)(3), respectively.

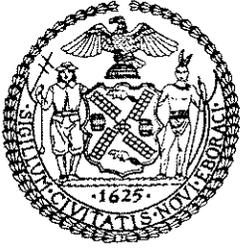
The Board notes that the City endorses and promotes certain charitable initiatives on an on-going or annual basis. The Board's decision excludes these types of charitable events sponsored by the City. Such events would include the annual Combined Municipal Campaign, blood drives, toy drives, or other City sponsored charitable activities.

The Board's decision on this matter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given in this opinion may not apply.

Benito Romano
Acting Chair

Bruce A. Green
Jane W. Parver

Dated: December 31, 1998



CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010

New York, New York 10007

(212) 442-1400

Fax: (212) 442-1407 TDD: (212) 442-1443

August 13, 2001

Neal L. Cohen, M.D.
Commissioner
New York City Department of Mental Health,
Mental Retardation and Alcoholism Services
93 Worth Street
New York, N.Y. 10013

Re: Conflicts of Interest Board Case No. 2001-242 (Marcella Ross)

Dear Commissioner Cohen:

This is in response to your August 1, 2001, letter to the Conflicts of Interest Board (the "Board"), requesting a waiver of the conflicts of interest provisions of Chapter 68 of the City Charter to allow Marcella Ross to work for the Romanian Information and Referral Center, Inc. (the "Organization"), a not-for-profit organization, in light of her position with the Department of Mental Health, Mental Retardation and Alcohol Services (the "Department").

You have informed the Board that Ms. Ross is an Associate Staff Analyst in the Department's Office of Contract Management ("OCM"). You advise that in this position, Ms. Ross's duties include working with her supervisor in signing off, on behalf of OCM, on appropriate changes in contract agency budgets.

You further inform the Board that Ms. Ross, herself an immigrant from Romania, started the Organization in 1994 as a service organization for the Romanian community in New York City and that she now plans to receive a salary from the Organization. Ms. Ross advises that the Organization is the only not-for-profit community-based group specifically serving the Romanian community in Queens, which amounts to approximately 125,000 individuals, including refugees from the prior communist regime and those who were able to leave after the fall of communism.

You indicate that the Organization has a contract with the New York City Department of Youth and Community Development, but not with the Department. You advise that, given Ms. Ross's position as founder, executive director, and ultimate driving force behind the Organization, it will be necessary for her to be involved in the Organization's business dealings with the City, specifically DYCD. By your letter to the Board, you approve of Ms. Ross's outside work for the Organization, including allowing her to take part in the Organization's business dealings with the City, noting that it is in the interests of the City to preserve the operation of the Organization and that Ms. Ross is vital to that operation.

Pursuant to Charter Section 2604(a)(1)(b), except as otherwise provided in Charter Section 2604(e), a public servant whose primary employment is with the City may not hold a position with a firm which is engaged in business dealings with the City.

Charter Section 2604(b)(6) provides that "[n]o public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant." "Appear" means to make any communication, for compensation, other than those involving ministerial matters. See Charter Sections 2601(4).

Charter Section 2604(e) provides that a public servant may hold a position or engage in conduct that would otherwise violate Chapter 68 if the Board determines, after receiving the written approval of the public servant's agency head, that such position or conduct does not involve a conflict with the purposes and interests of the City.

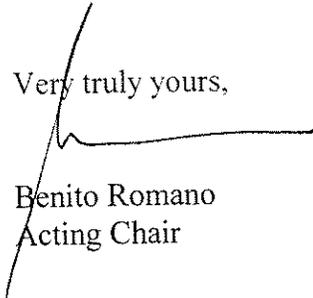
You are advised, based on your representations and written approval, that the Board has determined that Ms. Ross's position with and work for the Organization, as described above, including working with and appearing before DYCD regarding the Organization's contracts, would not conflict with the purposes and interests of the City, *provided that* her work for the Organization may be performed only at times when she is not required to perform services for the City; she may not use her official City position or title to obtain any private advantage for herself, the Organization, or any customers thereof; she may not use City equipment, letterhead, personnel, or other City resources in connection with her outside work; and she may not disclose or use for private advantage any confidential information concerning the City. See Charter Sections 2604(b)(2), (b)(3) and (b)(4), respectively.

The requirement that Ms. Ross not use her City position, or City time or resources, in support of her work for the Organization means, among other things, the following:

- 1) **She may not in her work for the Organization identify herself to anyone as an employee of the Department, unless explicitly asked.**
- 2) **She may not make or receive telephone calls regarding the Organization on her, or any other, City telephone. For this reason, she may not give her City telephone number to anyone in connection with her work for the Organization.**
- 3) **She may not perform any activities for the Organization, including telephone calls, during her work days at the Department, except during her lunch hour and other Department approved breaks.**

The views expressed in this letter are conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,



Benito Romano
Acting Chair

cc: Bruce A. Green
Jane W. Parver

William G. Martin, Esq.
Marcella Ross

2001-242e.ch/jh

ENFORCEMENT CASES (CHAPTER 68)

	<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>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
New Complaints Received	8	20	22	29	31	29	50	64	63	81	148	124	221	346	307	370	328	465
Cases Closed	2	6	25	38	4	33	32	54	76	83	117	152	179	243	266	234	530	429
Dispositions Imposing Fines	0	0	1	1	2	1	1	2	9	4	10	9	6	3	6	11	19	61
Public Warning Letters	0	0	0	0	0	0	1	0	0	0	2	2	0	0	0	1	7	26

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Decision - IN THE MATTER OF NORMAN WHITLOW

IN THE MATTER OF NORMAN WHITLOW

COIB CASE NO. **2005-590**

April 3, 2006

SUMMARY: In Norman Whitlow v. COIB, COIB Case No. **2005-590** (2006), a Department of Education ("DOE") employee reported to the Board that he had twice hired his daughter to work in a youth summer employment program that he supervised. In a three-way disposition with the Board and DOE, Whitlow agreed to pay restitution to DOE of 1,818.00, which is the amount that his daughter earned from her summer employment, and to get training from DOE's Ethics Officer regarding the City's conflicts of interest law and DOE rules governing conflicts of interests.

STIPULATION AND DISPOSITON

WHEREAS the New York City Conflicts of Interest Board (the "Board"), the New York City Department of Education ("DOE"), and Norman Whitlow wish to resolve this matter on the following terms,

Norman Whitlow states the following:

1. I have been employed by DOE (formerly, the Board of Education) since 1982. I am currently Director of DOE's Youth Leadership Program (the "Program") in Community School District 1, Region 9.

As such, at all relevant times, I was a public servant within the meaning of New York City

Charter § 2601(19).

2. My job responsibilities include hiring high school students to work part time in the Program each summer. I hired my daughter, a high school student, to work in the Program, which I supervise, during the summer of 2004 and the summer of 2005. I represent that my daughter earned a total of \$1,818.00 for both summers.

3. In September 2005, I received an e-mail from a colleague who raised questions about my hiring my daughter to work for the Program. As a result of that e-mail, I reviewed the Chancellor's Regulations and anonymously called the DOE Ethics Officer, from whom I learned that the conflicts of interest law prohibits public servants from hiring family members. I also called the Board's staff and described my conduct to a Board attorney.

4. In a letter to the Board dated September 29, 2005, I reported my conduct to the Board and offered to make restitution for the total amount that my daughter had earned.

5. I acknowledge that my use of my City position to obtain a summer job for my daughter violated Chapter 68 of the New York City Charter (the "Charter"), Sections 2604(b)(3) and 2604(b)(2), which provide:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

[Section 2604(b)(3)]

No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties. [Section 2604(b)(2)]

6. I understand that my daughter is a person with whom I am "associated" within the meaning of Charter Section 2601(5).

7. In recognition of the foregoing, I agree to pay the fine of \$1,818.00 to the Department of Education as follows: The Eighteen Hundred and Eighteen Dollar (\$1,818.00) fine shall be paid to the Department of Education over five months by deducting \$181.80 from my bi-weekly paycheck in ten equal installments. In the event that I resign or retire from DOE or my employment is terminated, the remainder owed under this Disposition will become due to DOE at the time of my resignation, retirement, or termination. I understand that the New York City Conflicts of Interest Board would normally impose a separate fine upon me for violating the above Charter provisions, but has considered the fact that I reported my conduct to the Board, cooperated in the resolution of this matter, and offered to make restitution of the amount that my daughter earned working in the Program.

8. I agree that during the 2006 calendar year, I will meet with the Department of Education Ethics Officer for training related to the City's conflicts of interest law and the Department of Education's rules governing conflicts of interest. I understand that my failure to comply with the provisions of this Disposition may result in further disciplinary action.

9. I agree that this Disposition is a public and final resolution of the charges against me. Furthermore, I agree to provide a copy of the Disposition to any City agency where I may apply for employment upon the request of such agency or in response to any inquiry calling for such information. I understand that an executed copy of this Disposition will be kept in the Department of Education Office of Legal Services and will be incorporated permanently into my personnel file.

10. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States with respect to this proceeding of the Conflicts of Interest Board and the Department of Education, and to contest the lawfulness, authority, jurisdiction, or power of the Conflicts of Interest Board and the Department of Education in imposing the penalty

which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Conflicts of Interest Board and the Department of Education or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

11. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having had the opportunity to be represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the New York City Conflicts of Interest Board or the Department of Education; and that I fully understand all the terms of this Disposition.

12. Any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

13. The Conflicts of Interest Board and the Department of Education accept this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board or the Department of Education against Respondent based upon the facts and circumstances set forth herein, except that the Conflicts of Interest Board and the New York City Department of Education shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

14. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: March 3, 2006 _____/s/ _____

Norman Whitlow

Respondent

Dated: March 13, 2006 _____/s/ _____

Judy Nathan, Esq.

First Deputy Counsel to the Chancellor

NYC Department of Education

By: Theresa Europe, Esq.

.

Dated: March 28, 2006 _____/s/ _____ Steven B. Rosenfeld, Esq.

Chair

NYC Conflicts of Interest Board

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ENFORCEMENT FINES

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
2008								
MAY								
05/22/08	2006-559a	Cross	500			X		
05/22/08	2006-559	Richards	500			X		
05/22/08	2007-433	Jafferalli				X	30	4,151
05/22/08	2007-433a	Edwards				X	21	3,872
05/22/08	2007-570	Mouzon		1,279.48		X	10	1,046
05/20/08	2007-636	Blundo	1,000			X		
05/09/08	2006-617	Johnson	300			X		
05/08/08	2008-037	Zigelman	1,500	1,500		X		
05/01/08	2006-775	Childs	500			X	5	1,795
APRIL								
04/30/08	2003-373k	Rider	1,000					
04/29/08	2007-873	Shaler	2,000					
04/29/08	2005-236	Mizrahi	2,000					
04/29/08	2007-744	Deschamps	1,500			X	5	892
MARCH								
03/20/08	2003-373a	Lee	3,000					
03/20/08	2003-373k	Gwiazdzinski	3,000					
03/06/08	2004-530	Murano	1,250					
03/05/08	2007-058	Saigbovo	750					
03/05/08	2007-157	Aldorasi	3,000	1,500		X		
03/04/08	2003-550	Amar	4,500					
03/03/08	2007-723	Namnum	1,250			X		
03/03/08	2005-665	Osindero	500			X	15	2,205.97
03/03/08	2007-825	Namyotova	1,000			X	15	1,952
FEBRUARY								
02/07/08	2001-566d	Moran	1,500			X		
02/07/08	2001-566c	Guarino	1,500			X		
02/07/08	2001-566b	Sender	5,000			X		
02/07/08	2001-566a	Diaz	1,500			X		
02/07/08	2001-566	Ferro	2,500			X		
JANUARY								
01/28/08	2004-610	Riccardi	1,500					
01/23/08	2006-350	Schlein	15,000					
2007								
DECEMBER								
12/17/07	2006-632	Blenman	2,000					
12/17/07	2006-233	Osagie	5,000			X		
12/04/07	2004-188	Pratt ¹	500		3,961 Restitution			
NOVEMBER								
11/29/07	2007-519	Tamayo	100		900	X	Resign as	52,649

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
							Principal & reinstated as teacher w/pay reduction; must resign from DOE by 8/31/08	
11/29/07	2006-562b	McLeod				X	5	1,105.62
11/27/07	2006-618	Hall	1,500					
11/27/07	2004-517	Williams	4,000					
11/05/07	2005-365	Norwood	4,000					
OCTOBER								
10/29/07	2006-423	S. Fraser	2,000					
10/29/07	2003-785a	Speiller	1,000					
10/29/07	2007-138	Basile	2,000					
10/26/07	2007-039	Tulce				X	30	4,550
10/09/07	2003-200	Lastique	2,000			X	21 plus reassignment & probation	1,971.69
10/02/07	2007-441	Larson	1,000					
10/02/07	2006-423a	Russell	1,000					
SEPTEMBER								
09/26/07	2006-411	Allen	5,000					
09/18/07	2004-246	Margolin	3,250					
09/12/07	2006-551	Davis	700					
09/04/07	2007-016	Graham					5	896
AUGUST								
08/30/07	2007-362	Lucido	500					
JULY								
07/31/07	2003-785	Gennaro	2,000					
07/23/07	2003-152a	Bergman	1,000					
07/18/07	1999-026	Pentangelo	1,500					
07/16/07	2006-706	Carlson	500	4,820.92		X		
07/12/07	2006-461	Greenidge	500					
07/11/07	2006-098	Barreto	2,500			X		
07/11/07	2005-244	Clair	6,500					
07/10/07	2007-056	Glover				X	30	7,742
JUNE								
06/29/07	2005-200	Cetera	2,000			X		
06/05/07	2005-442	Sanders	1,000					
06/04/07	2005-240	Mazer	2,000					
MAY								
05/31/07	2006-383	Ianniello	1,000			X		
05/31/07	2006-684	Cooper	2,500	2,500		X		
05/31/07	2006-684a	Reilly	750	750		X		
05/31/07	2006-460	Amofo-Danquah	3,000			X	5	1,273.25

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(S)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
05/30/07	2007-053	Cammarata	1,500					
05/30/07	2002-678	Murphy	750					
05/30/07	2004-556	Cagadoc	500					
05/02/07	2005-690	Cantwell	1,500					
APRIL								
04/30/07	2006-068	Henry	1,000					
04/30/07	2005-739a	Oquendo	500					
04/25/07	2004-570	Matos	1,000			X		
04/17/07	2006-562a	Wade	500					
MARCH								
03/28/07	2006-554	Bassy	500					
03/27/07	2006-349	Vale	2,250					
03/27/07	2005-240	Sahm	1,250					
FEBRUARY								
02/28/07	2005-505	Martino-Fisher	1,000					
02/28/07	2003-752	Kessock	500					
02/28/07	2006-519	Lepkowski	500					
02/28/07	2002-503	Maith	500					
02/05/07	2002-458	Aquino	500					
02/05/07	2006-064	Tarazona	2,000					
02/05/07	2001-494	Russo	2,000			X		
JANUARY								
01/29/07	2005-031	Marchuk	750					
01/29/07	2006-635	Bayer	1,000			X	18	1,000
01/24/07	2005-178	Davis	1,000			X		
01/24/07	2005-098	Rosenfeld	500					
01/05/07	2004-697	Della Monica	1,500					
01/03/07	2004-712	McHugh	2,000					
2006								
DECEMBER								
12/19/06	2005-685	Diaz	500					
12/15/06	2002-140	Fenster	500					
12/11/06	2006-562b	Jefferson				X	25	3,085
12/11/06	2006-562	Nelson				X	25	4,262
NOVEMBER								
11/10/06	2003-655	Sorkin	500					
11/10/06	2005-271a	Parlante	460			X		
11/10/06	2005-271	Marchesi	750			X		
AUGUST								
08/24/06	2004-324a	Neira	4,500					
08/24/06	2006-048	Tyner				X	45	6,224
JULY								
07/28/06	2004-700a	L. Golubchick	4,000					
07/28/06	2004-700	J. Golubchick	1,000					
JUNE								
06/30/06	2003-097	Kerik	10,000		5,000 FD			

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
					& 206,000 Criminal			
06/20/06	2004-159	Goyol	2,500					
06/06/06	2005-155	Okowitz	1,250			X		
MAY								
05/10/06	2003-423a	Coppola	500					
MARCH								
03/28/06	2005-590	Whitlow		1,818		X		
FEBRUARY								
02/23/06	2005-238	Valsamedis				X	50 (plus 10 days annual leave)	11,267.50
02/15/06	2005-146	Vance	1,500				Annual leave	1,122
02/03/06	2002-716	Green	2,500	1,500		X		
2005								
NOVEMBER								
11/16/05	2004-214	Guttman	2,800					
11/16/05	2004-418	Trica	4,000					
JULY								
07/23/05	2002-677y	Serra ²	10,000					
JUNE								
06/22/05	2005-151	Carroll	3,000			X	Suspension w/out pay	3,000
06/07/05	2004-082a	Romano	4,000					
MAY								
05/25/05	2004-082	Hoffman	4,000					
MARCH								
03/29/05	2003-788	Asemota	500			X	Annual leave	1,000
03/29/05	2004-466	Powery	1,000					
FEBRUARY								
02/28/05	2004-515	Genao	1,000					
02/28/05	2004-321a	Vasquez	1,750			X	Annual leave	1,600
JANUARY								
01/31/05	2003-127	Thomas	2,000				Annual leave	3,915
01/31/05	2002-782	Bonamarte	3,000					
2004								
DECEMBER								
12/21/04	2004-180	Berkowitz	3,500					
OCTOBER								
10/30/04	2002-770	W. Fraser	500					
10/21/04	2004-305	McKen	450	450		X		
JUNE								
06/22/04	2003-359	Campbell	2,000					
MAY								
05/20/04	2002-528	Fleishman	1,000	5,000	1,300 Restitution			

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
MARCH								
03/05/04	2001-618	Andersson	1,000					
2003								
APRIL								
04/03/03	2002-304	Arriaga	1,000	2,500		X	30	
MARCH								
03/25/03	2002-088	Adams	1,500					
JANUARY								
01/07/03	2002-463	Mumford		2,500	5,000 for violation of Reg. C-110			
2002								
JULY								
07/18/02	2002-188	Blake-Reid	4,000				Annual leave	4,000
JUNE								
06/27/02	2001-593	Cottes	500			X		
06/21/02	2000-456	Silverman	500					
MARCH								
03/27/02	2000-192	Smith ³			2,433 Restitution			
FEBRUARY								
02/27/02	2001-569	Kerik	2,500					
02/22/02	2000-407	Loughran	800					
2001								
DECEMBER								
12/13/01	1998-508	King	1,000			X		
NOVEMBER								
11/13/01	2000-581	Hill-Grier	700			X		
SEPTEMBER								
09/25/01	2000-533	Denizac		4,000		X		
AUGUST								
08/15/01	1999-501	Moran					Annual leave (plus 30 days w/out pay and demoted)	2,500
JULY								
07/16/01	1999-157	Capetanakis	4,000					
JUNE								
06/25/01	2000-005	Rieue	2,000					
06/07/01	2000-231	Steinhandler	1,500			X		
MAY								
05/23/01	1999-121	Camarata	1,000					
MARCH								
03/08/01	1991-173	Peterson	1,500					
FEBRUARY								
02/26/01	1999-199	Finkel	2,250					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT	
2000								
OCTOBER								
10/24/00	1999-200	Hoover	8,500					
10/16/00	1999-200	Turner	6,500					
AUGUST								
08/14/00	1999-511	Paniccia	1,500					
08/07/00	1999-500	Chapin	500					
JULY								
07/24/00	2000-254	Lizzio	250					
MAY								
05/24/00	1999-358	Rosenberg	1,000					
APRIL								
04/26/00	1998-169	Marrone	5,000					
MARCH								
03/26/00	1998-288	Sullivan	625			X		
03/10/00	1999-250	Carlin	800			X		
JANUARY								
01/06/00	1997-237d	Rene		2,500		X		
1999								
NOVEMBER								
11/23/99	1994-082	Davila	500					
11/22/99	1999-334	McGann	3,000			X		
JUNE								
06/29/99	1998-190	Sass	20,000					
FEBRUARY								
02/03/99	1997-247	Ludewig	7,500			X		
1998								
OCTOBER								
10/09/98	1997-247	Morello	6,000				Resigned & forfeited annual leave	93,105
SEPTEMBER								
09/17/98	1994-351	Katsorhis	84,000					
JULY								
07/14/98	1997-394	Weinstein	1,250			X	Annual leave	3,750
JUNE								
06/22/98	1996-404	Fodera	3,000		100 for late FD filing			
06/22/98	1995-045	Wills	1,500					
06/15/98	1998-102	Hahn	1,000			X		
MAY								
05/22/98	1997-368	Harvey ⁴	200					
05/08/98	1997-247	Cioffi	100					
1997								
DECEMBER								
12/22/97	1997-076	N. Ross	1,000					

DATE	CASE NUMBER	CASE NAME	AMOUNT PAID TO COIB	AMOUNT PAID TO AGENCY	ADDITIONAL FINE(s)	3/WAY SETTLEMENT	SUSPENDED DAYS/EQUAL TO DOLLAR AMOUNT
12/10/97	1997-225	M. Ross	1,000			X	
JUNE							
06/17/97	1997-060	Quennell	100				
1996							
APRIL							
04/03/96	1993-121	Holtzman	7,500				
MARCH							
03/08/96	1994-368	Matos ⁵	1,000/250				
1995							
AUGUST							
08/04/95	1993-282a	Baer	5,000				
1994							
FEBRUARY							
02/11/94	1993-282	Bryson	500				
JANUARY							
01/24/94	1991-214	McAuliffe	2,500				
1993							
APRIL							
04/27/93	1991-223	Ubinas	500				
TOTALS			416,135	31,338.92			224,137.13

TOTAL: \$672,906.05

¹ The total fine was \$4,750, of which \$500 was paid to the Board upon signing of the Disposition. The remaining \$4,250 of the fine will be forgiven, if, by March 1, 2009, Pratt has fully paid his former subordinate the outstanding portion of the loan (in the amount of \$3,961).

² This fine was paid to the Board as part of Serra's plea of guilty to grand larceny and violation of the conflicts of interest law.

³ The total fine was \$3,000, but was to be forgiven if, by March 1, 2004, Smith had fully paid the foster mother the outstanding portion of the loan (in the amount of \$2,433).

⁴ This fine was forgiven due to extreme financial hardship.

⁵ This fine was reduced to \$250 on proof of financial hardship one year following the settlement of the matter, pursuant to the terms of the settlement.

NYC CONFLICTS OF INTEREST BOARD
CHAPTER 68 ENFORCEMENT CASE SUMMARIES

January 1, 2008 - May 22, 2008 (Except as Noted)

MISUSE OF CITY POSITION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(2), 2604(b)(3)

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement in which a DOE Parent Coordinator was fined \$300 for borrowing money from the legal guardian of a student at her school. The DOE Parent Coordinator admitted that she borrowed \$100 from the guardian, whom she did not repay for several months. The Parent Coordinator acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Johnson*, COIB Case No. 2006-617 (2008).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement in which a DOE Principal was fined \$1,500 by the Board and \$1,500 by DOE for using three teachers at her school to tutor her daughter, without compensation. The Principal acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. *COIB v. Zigelman*, COIB Case No. 2008-037 (2008).

The New York City Conflicts of Interest Board (the “Board”) and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement with a Principal Administrative Associate who used her NYCHA position to solicit and obtain free computer assistance from a NYCHA job applicant. The Principal Administrative Associate acknowledged that, in addition to her other NYCHA duties and responsibilities, she has also been a member of a NYCHA panel that screens bilingual applicants for NYCHA positions. In that context, she sat on a panel in the summer of 2006 for a NYCHA job applicant who, she learned, had computer skills. The Principal Administrative Associate obtained the applicant’s home telephone number, and called him in September 2006, when her personal home computer was not working properly, to request his assistance in fixing her personal computer. The applicant came to the Principal Administrative Associate’s apartment to attempt to repair her computer, for which he did not receive any compensation. The Principal Administrative Associate admitted that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant. The Board and NYCHA fined the Principal Administrative Associate a total of \$2,392, consisting of a \$1,500, to be paid to the

Board, and a five-day suspension, valued at approximately \$892, to be imposed by NYCHA. *COIB v. Deschamps*, COIB Case No. 2007-744 (2008).

The Board issued a public warning letter to a New York City Department of Education (“DOE”) employee for soliciting a DOE vendor to provide free services to the adult literacy program of the DOE employee’s church. The Board issued the public warning letter after receiving evidence that, after consulting with the DOE Ethics Officer, the public servant withdrew his request from the vendor and did not pursue the matter any further. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that the City’s conflicts of interest law prohibits public servants from using or attempting to use their City positions to obtain any private benefit, such as free services from a City vendor, for themselves or for individuals or entities with which they are associated. *COIB v. Bellini*, COIB Case No. 2007-689 (2008).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement with a DOE Principal who used his position to obtain separate, unrelated financial benefits for his sister and for his private tenant. The DOE Principal admitted that he used his position to help his sister obtain a job with a DOE vendor that provided Supplemental Education Services to his school. The DOE Principal also admitted that he did not obtain any competitive bids before awarding a contract to perform electrical work at his school to his private tenant, with whom he acknowledged he had an ongoing financial relationship. The DOE Principal acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. The DOE Principal paid a \$3,000 fine to the Board and paid \$1,500 in restitution to DOE, for a total financial penalty of \$4,500. *COIB v. Aldorasi*, COIB Case No. 2007-157 (2008).

The Board and the New York City Department of Education (“DOE”) concluded a three-way settlement in which the then-Deputy Director of Budget for DOE Region 2 was fined \$1,250, to be paid to the Board, for using his DOE position to help his brother obtain a principal’s position at DOE. The Deputy Director acknowledged that he gave his brother’s name to the Deputy Director of Regional Operations for DOE Region 2 to relay to the Local Instructional Superintendent for DOE Region 2, in order that his brother would be interviewed for a principal vacancy. The Local Instructional Superintendent contacted the Deputy Director’s brother concerning a principal position, for which position his brother was interviewed, among other candidates, and eventually hired. The Deputy Director admitted that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, which would include the public servant’s brother or sister. *COIB v. Namnum*, COIB Case No. 2007-723 (2008).

The Board fined the former Chair of the New York City Civil Service Commission (“CCSC”) \$15,000 for misusing City resources and personnel to perform tasks related to his

private law practice. The former CCSC Chair acknowledged that he asked the CCSC Office Manager and a CCSC Administrative Associate to perform non-City tasks for him while on City time, using a CCSC computer, telephone, photocopy machine, and facsimile machine, related to his private law practice, including: typing, copying and mailing letters to private clients; retrieving and sending facsimiles; greeting visitors; preparing invoices for clients; preparing an inventory list of documents related to a litigation and then meeting one of the parties to that litigation to review the inventory and the items; preparing an Affirmation of Services concerning the Chair's legal work; and delivering packages. The former CCSC Chair further acknowledged that he also personally used his CCSC telephone for non-City related matters, totaling over 2,000 calls from January 2004 to September 2006. The former CCSC Chair acknowledged that this conduct violated the City of New York's conflict of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City personnel or City resources for any non-City purpose. *COIB v. Schlein*, COIB Case No. 2006-350 (2008).

The Board issued a public warning letter to a teacher at the New York City Department of Education ("DOE") for accepting compensation from the parents of two students from her school whom she tutored for several months. The Board issued the public warning letter after receiving evidence that the DOE teacher refunded the parents of the students all of the monies the parents paid her for the tutoring. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 prohibits a public servant from having a financial relationship with the parents of students who attend their schools because it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Wilen*, COIB Case No. 2006-683 (2008).

MISUSE OF CITY RESOURCES

- **Relevant Charter Sections:** City Charter § 2604(b)(2)
- **Relevant Board Rules:** Board Rules §§ 1-13(a), 1-13(b)

The Board and the New York City Administration for Children's Services ("ACS") concluded two three-way settlements with an ACS Child Protective Specialist Supervisor II, who suspended for 21 days without pay, valued at \$3,872, and her subordinate, an ACS Child Protective Specialist II, who was suspended for 30 days without pay, valued at \$4,151, for starting a janitorial business with each other. The ACS Child Protective Specialist Supervisor II and the ACS Child Protective Specialist II each further acknowledged that she used her ACS computer to send e-mails to each other regarding their janitorial business. The ACS Child Protective Specialist Supervisor II and the ACS Child Protective Specialist II each acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant and from using City time or City resources for any non-City purpose, particularly for engaging in any private business or

financial enterprise. *COIB v. Edwards*, COIB Case Nos. 2007-433a and 2002-856b (2008), and *COIB v. Jafferalli*, COIB Case No. 2007-433 (2008).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement in which an ACS Community Assistant was: (a) suspended for 10 days without pay, valued at \$1,046; (b) required to provide full restitution of the \$1,279.48 she had misappropriated, of which she has already paid ACS \$532.82; and (c) placed on probation for six months, for using her position to misappropriate \$1,279.48 of ACS funds from the ACS Out-of-Town Travel Unit for personal use. The Community Assistant acknowledged that, from November 2004 through August 2007, she used her position as Community Assistant for the ACS Out-of-Town Travel Unit to misappropriate \$1,279.48 of ACS funds for her personal use. The Community Assistant acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position to obtain any financial gain, and from using City resources, such as City money, for any non-City purpose. *COIB v. Mouzon*, COIB Case No. 2007-570 (2008).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement in which the Executive Director of the DOE Human Resource Connect employee service center was fined \$1,000 for using City time and resources to perform work related to his duties as the Mayor of the Township of River Vale, New Jersey. The Executive Director acknowledged that, over a three-and-one-half-month period, he made approximately 76 long-distance calls on his DOE telephone on DOE time related to his duties as the Mayor of the Township of River Vale, for which position he earned an annual stipend. He acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from pursuing personal activities while on City time and from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Blundo*, COIB Case No. 2007-636 (2008).

The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement with an HRA Computer Specialist who, during his City work hours, used HRA technology resources to perform work unrelated to his HRA duties. The HRA Computer Specialist admitted that, to further his outside activities as a professional singer, he used his HRA computer to create and store numerous documents and he used the HRA e-mail system to send numerous e-mails. He admitted that he posted on his personal website his HRA e-mail address and that he provided his HRA telephone number as his contact number in e-mail correspondence about his singing. The Computer Specialist acknowledged that his conduct violated the City's conflicts of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City, and from using City resources for a non-City purpose, such as conducting a private business. The HRA Computer Specialist agreed to receive a five work-day pay fine, valued at approximately \$1,795, from HRA and to pay a \$500 fine to the Board, for a total financial penalty of \$2,295. *COIB v. Childs*, COIB Case No. 2006-775 (2008).

The Board fined a former Supervisory Engineer with the New York City Department of Environmental Protection (“DEP”) \$1,000 for performing work for his private engineering practice while on City time. The DEP Supervisory Engineer acknowledged that, while he worked for DEP, he also had a private general engineering practice, and had performed work for that practice for four different clients while on City time. The Supervisory Engineer acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City. *COIB v. Rider*, COIB Case No. 2008-106 (2008).

The Board fined the former Director of the Forensic Biology Department of the Office of the Chief Medical Examiner (“OCME”) \$2,000 for using City resources and City personnel to write and edit a book that was to be commercially published. The former Director acknowledged that when he was still employed by OCME, in 2004 and 2005, he used his City computer to store chapters of his book and his City e-mail account to communicate with representatives of Simon and Shuster, Inc., about his book, *Who They Were: Inside the World Center DNA Story: The Unprecedented Effort to Identify the Missing*, which book was published by Free Press, a division of Simon & Shuster, Inc., at the end of 2005. Also, in or around late 2004 or 2005, he asked his subordinate, an OCME Lab Associate, to review the manuscript of *Who They Were* prior to his submission of the transcript to his publisher. His subordinate did so, on her own time for which she was not compensated. The former Director acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Shaler*, COIB Case No. 2007-873 (2008).

The Board fined a Patrol Supervisor for the New York City Police Department (“NYPD”) \$1,250 for running his private business on City time, using City resources, and making a sale on behalf of that business to a subordinate. The Patrol Supervisor acknowledged that he was an owner and partner in All American Tent Company, and that he used City time and City resources, specifically his City telephone, NYPD computers, and papers, to conduct business for All American Tent Company. The Patrol Supervisor also acknowledged that he entered into a financial transaction on behalf of All American Tent Company with an NYPD Police Officer in his command, to provide a tent and chair rental service at the Officer’s home. The Patrol Supervisor acknowledged that this conduct violated the City of New York’s conflicts of interest law, which prohibits, among other things, any public servant from pursuing private activities during times when that public servant is required to perform services for the City, using City resources for any non-City purpose, and entering into a financial relationship with the public servant’s superior or subordinate. *COIB v. Murano*, COIB Case No. 2004-530 (2008).

The Board fined a Project Manager at New York City Department of Citywide Administrative Services (“DCAS”) \$4,500 for multiple violations related to his work for an outside investment and management company, which was performing work related to an

apartment building in Manhattan (the “Company”). The Project Manager admitted that the Company had business dealings with the City, specifically the Landmarks Preservation Commission (“Landmarks”), the Department of City Planning (“City Planning”), and the Department of Buildings, and that by working for this Company, he violated the City’s conflicts of interest law, which states that a City employee cannot have a position with a firm that the employee knows or should have known has City business dealings. The Project Manager also admitted that he appeared for compensation on behalf of the Company on matters involving the City, including signing a letter to, calling, and attending meetings at Landmarks regarding the Company and calling and submitting an application to City Planning on behalf of the Company, and that by doing so, he violated the City’s conflicts of interest law, which states that a City employee may not, for compensation, represent private interests before any City agency. The Project Manager further admitted that he used City resources for his work for the Company, including, but not limited to, his City telephone, City computer on one occasion, and a DCAS-issued vehicle. The Project Manager acknowledged that this conduct violated the City’s conflicts of interest law, which states that a City employee may not use City resources for any non-City purpose. *COIB v. Amar*, COIB Case No. 2003-550 (2008).

The Board issued a public warning letter to a Principal Special Officer at the New York City Human Resources Administration (“HRA”) who, while he was on leave from, but still employed by, HRA, used his City-issued Blackberry to make several personal telephone calls and improperly marked those personal calls as agency-related on the agency’s reimbursement forms. While not pursuing further enforcement action in this matter, the Board took the opportunity of this public warning letter to remind public servants that although a City agency may authorize its employees to use a City-issued Blackberry for personal use, provided that the employee fully reimburses the City for such personal use, Chapter 68 prohibits a public servant from utilizing a City-issued Blackberry for a non-City purpose without the authorization of his or her agency and without fully reimbursing his or her agency for those calls. The Board also took the opportunity of this public warning letter to remind public servants that while on a leave of absence from his or her agency, a public servant is still subject to the restrictions of Chapter 68. *COIB v. Smith*, COIB Case No. 2007-003 (2008).

The Board fined the former Chair of the New York City Civil Service Commission (“CCSC”) \$15,000 for misusing City resources and personnel to perform tasks related to his private law practice. The former CCSC Chair acknowledged that he asked the CCSC Office Manager and a CCSC Administrative Associate to perform non-City tasks for him while on City time, using a CCSC computer, telephone, photocopy machine, and facsimile machine, related to his private law practice, including: typing, copying and mailing letters to private clients; retrieving and sending facsimiles; greeting visitors; preparing invoices for clients; preparing an inventory list of documents related to a litigation and then meeting one of the parties to that litigation to review the inventory and the items; preparing an Affirmation of Services concerning the Chair’s legal work; and delivering packages. The former CCSC Chair further acknowledged that he also personally used his CCSC telephone for non-City related matters, totaling over 2,000 calls from January 2004 to September 2006. The former CCSC Chair acknowledged that this conduct violated the City of New York’s conflict of interest law, which prohibits a public servant from using or attempting to use his or her

position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant, and prohibits a public servant from using City personnel or City resources for any non-City purpose. *COIB v. Schlein*, COIB Case No. 2006-350 (2008).

GIFTS

- **Relevant Charter Sections:** City Charter § 2604(b)(5)
- **Relevant Board Rules:** Board Rules § 1-01(a)

[No cases to date in 2008. Following are the Gifts cases from 2007]

The Board fined the District Manager of Community Board 17 in Brooklyn \$2000 for accepting valuable gifts of four mattress and box spring sets from a hotel owner who was doing business with the City. The District Manager acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. S. Fraser*, COIB Case No. 2006-423 (2007).

The Board fined a current member, and former Chair, of Community Board 17 in Brooklyn ("CB 17") \$1000 for accepting valuable gifts of two mattress and box spring sets from a hotel owner who was doing business with the City. The former CB 17 Chair acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting a valuable gift (defined as having a value of \$50 or more) from a firm doing business with the City. *COIB v. Russell*, COIB Case No. 2006-423a (2007).

The Board imposed a \$6,500 fine on a former Assistant Commissioner for the New York City Fire Department ("FDNY") Office of Medical Affairs who accepted valuable gifts from a firm doing business with FDNY, a firm whose work he evaluated in his capacity as the Assistant Commissioner in the FDNY Office of Medical Affairs. The former FDNY Assistant Commissioner acknowledged that, in late 2000 or early 2001, he introduced an automated coding and billing product to FDNY personnel produced by ScanHealth, an information technology company in the emergency medical service and home health care fields. FDNY eventually selected ScanHealth as a preferred vendor in 2003 and entered into a \$4.3 million contract with ScanHealth in 2004. The former FDNY Assistant Commissioner served on the Evaluation Committee to monitor and evaluate the ScanHealth contract. The former FDNY Assistant Commissioner acknowledged that, while he served on the ScanHealth Evaluation Committee, he accepted reimbursement of travel expenses from ScanHealth for trips to Hawaii (in the amount of \$2,592.00), Minnesota (in the amount of \$199.76) and Atlanta (in the amount of \$1,129.00); three or four dinners (each in excess of \$50.00); and tickets to the Broadway production of "Mamma Mia." The former FDNY Assistant Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits: (a) using one's City position for personal gain; (b) accepting a valuable gift from a firm doing business with the City; and (c) accepting compensation for any official duty or accepting or receiving a gratuity from a firm whose interests may be affected by the City employee's actions. *COIB v. Clair*, COIB Case No. 2005-244 (2007).

The Board and the New York City Department of Education (“DOE”) fined the DOE Deputy Executive Director of Recruitment \$1000 for accepting two US Open tickets and four Ringling Bros. & Barnum & Bailey Circus tickets, which had the total approximate value of between \$144 and \$270, from *The New York Times*. The DOE Deputy Executive Director acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from accepting gifts valued in the aggregate at \$50 or more from any firm doing business with the City within any twelve-month period. *COIB v. Ianniello*, Case No. 2006-383 (2007).

APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

- **Relevant Charter Sections:** City Charter § 2604(b)(6)

The Board issued a public warning letter to a Guidance Counselor at the New York City Department of Education (“DOE”) for making uncompensated appearances on behalf of the parents of a child at impartial hearings to determine whether the child was entitled to special education services from DOE. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits a public servant from representing private interests before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City, whether or not they are compensated for this work. *COIB v. Zimmerman*, COIB Case No. 2006-471 (2008).

POLITICAL ACTIVITIES

- **Relevant Charter Sections:** City Charter § 2604(b)(9)

[No cases to date in 2008. Following are the Political Activities cases from 2007]

The Board fined a City Council Member \$2,000 for using City resources and personnel in connection with his 2003 City Council reelection campaign. The Council Member acknowledged that on at least one occasion, he asked a member of his District Office staff to volunteer for his 2003 City Council reelection campaign. The Council Member further acknowledged that City supplies and equipment, including a District Office computer, printer and paper, were used in his District Office for work on his 2003 City Council re-election campaign, and that he should have been aware of this use of City resources for the non-City purpose of his reelection campaign. The Council Member acknowledged that his conduct violated the conflicts of interest law, which prohibits public servants from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and from requesting any subordinate to participate in a political campaign. The Board took the occasion of this Disposition to remind public servants that they are prohibited from using City resources, of any kind and of any amount, on

campaigns for public office, and that coercing participation of any public servant in a campaign, or even just requesting the assistance of a subordinate, for any amount of time and in any fashion, on campaign-related matters violates the City's conflicts of interest law. *COIB v. Gennaro*, COIB Case No. 2003-785 (2007).

The Board and the New York City Department of Education ("DOE") fined a DOE Principal \$5000, with \$2500 payable to the Board and \$2500 payable to DOE, who sent a letter to the parents of the students at his school thanking a Council Member and a State Senator for their support of the school, and asking the parents to endorse and support these candidates in the future. The Principal acknowledged that he asked his DOE secretary to prepare this letter on DOE time, using DOE letterhead, and then directed that this letter be distributed to teachers to provide to students to bring home to their parents. The Principal admitted that this conduct violated the City of New York's conflicts of interest law, which prohibits any public servant from asking a subordinate to participate in a political campaign, and prohibits the use of City resources, such as City personnel and letterhead, for any non-City purpose. *COIB v. Cooper*, COIB Case No. 2006-684 (2007).

The Board and the New York City Department of Education ("DOE") fined a DOE Parent Coordinator \$1,500, with \$750 payable to the Board and \$750 payable to DOE, for sending an e-mail from her DOE e-mail address to the parents of the students at her school, which e-mail was seeking volunteers to hand out flyers on behalf of the campaign of a State Senator. The Parent Coordinator acknowledged that this conduct violated the City's conflicts of interest law, which prohibits the use of City resources, such as a City e-mail address, for any non-City purpose. *COIB v. Reilly*, COIB Case No. 2006-684a (2007).

The Board fined a former Vice President of Information Technology for the New York City School Construction Authority ("SCA") \$1500 who used City resources and personnel in connection with his political campaign. The former Vice President acknowledged that in 2005 he ran for election to a position as a member to the Town Board of Smithtown, New York, and that in connection with his campaign he used an SCA photocopier and SCA printer to photocopy and print campaign materials and that he requested a subordinate to review and correct an electronic file containing his signature for use on a campaign mailing. Prior to his campaign, in response to his request for advice, the former Vice President had been advised by the Board that such conduct was prohibited by the City Charter. The former Vice President acknowledged that his conduct violated the conflicts of interest law, which provides that public servants are prohibited from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and are prohibited from requesting any subordinate to participate in a political campaign. The Board took the opportunity to remind public servants that they are absolutely prohibited from the use of City resources, of any kind and of any amount, on campaigns for public office, and that the assistance of a subordinate, for any amount of time and in any fashion, on campaign related matters violate the City Charter. *COIB v. Cantwell*, COIB Case No. 2005-690 (2007).

The Board and the New York City Department of Sanitation ("DSNY") concluded a three-way settlement with a former DSNY Assistant Commissioner for running a private

travel agency and for working on the 2001 Hevesi for Mayor campaign, both on City time and both involving the Assistant Commissioner's subordinates. The former DSNY Assistant Commissioner acknowledged that while he was Assistant Commissioner, he owned a travel agency and sold airline tickets to at least 30 DSNY employees while on City time, including to his superiors and subordinates, and also distributed promotional materials for his travel agency to DSNY employees, including to his superiors and subordinates, while on City time, in violation of the City of New York's conflict of interest law, which prohibits any public servant from pursuing private activities during times when that public servant is required to perform services for the City and prohibits a public servant from entering into a financial relationship with his superior or subordinate. The former DSNY Assistant Commissioner further acknowledged that he made campaign-related telephone calls for and recruited subordinates to work on the Hevesi for Mayor Campaign in 2001, in violation of the City of New York's conflict of interest law, which prohibits a public servant from pursuing private activities on City time and from using City resources, such as the telephone, for a non-City purpose, and also prohibits a public servant from even requesting any subordinate public servant to participate in a political campaign. The Board fined the former Assistant Commissioner \$2000. *COIB v. Russo*, COIB Case No. 2001-494 (2007).

ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY

- **Relevant Charter Sections:** City Charter § 2604(b)(13)

[No cases to date in 2008. Following are the Non-City Compensation cases from 2007]

The Board imposed a \$6,500 fine on a former Assistant Commissioner for the New York City Fire Department ("FDNY") Office of Medical Affairs who accepted valuable gifts from a firm doing business with FDNY, a firm whose work he evaluated in his capacity as the Assistant Commissioner in the FDNY Office of Medical Affairs. The former FDNY Assistant Commissioner acknowledged that, in late 2000 or early 2001, he introduced an automated coding and billing product to FDNY personnel produced by ScanHealth, an information technology company in the emergency medical service and home health care fields. FDNY eventually selected ScanHealth as a preferred vendor in 2003 and entered into a \$4.3 million contract with ScanHealth in 2004. The former FDNY Assistant Commissioner served on the Evaluation Committee to monitor and evaluate the ScanHealth contract. The former FDNY Assistant Commissioner acknowledged that, while he served on the ScanHealth Evaluation Committee, he accepted reimbursement of travel expenses from ScanHealth for trips to Hawaii (in the amount of \$2,592.00), Minnesota (in the amount of \$199.76) and Atlanta (in the amount of \$1,129.00); three or four dinners (each in excess of \$50.00); and tickets to the Broadway production of "Mamma Mia." The former FDNY Assistant Commissioner acknowledged that this conduct violated the City's conflicts of interest law, which prohibits: (a) using one's City position for personal gain; (b) accepting a valuable gift from a firm doing business with the City; and (c) accepting compensation for any official duty or accepting or receiving a gratuity from a firm whose interests may be affected by the City employee's actions. *COIB v. Clair*, COIB Case No. 2005-244 (2007).

The Board fined a former New York City Housing Authority (“NYCHA”) Community Service Aide \$500 for accepting compensation from both NYCHA and a Resident Advisory Board for performing her City job. The former Community Service Aide acknowledged that she had accepted approximately \$430 from the Resident Advisory Board for supervising rentals and that she was paid by NYCHA for supervising the same rentals. She acknowledged that her conduct violated the New York City’s conflicts of interest law, which prohibits public servants from using their position to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for themselves or any person or firm associated with them, and from accepting compensation except from the City for performing their official duties. *COIB v. Wade*, COIB Case No. 2006-562a (2007).

SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

- **Relevant Charter Sections:** City Charter § 2604(b)(14)

The Board and the New York City Administration for Children’s Services (“ACS”) concluded two three-way settlements with an ACS Child Protective Specialist Supervisor II, who was suspended for 21 days without pay, valued at \$3,872, and her subordinate, an ACS Child Protective Specialist II, who was suspended for 30 days without pay, valued at \$4,151, for starting a janitorial business with each other. The ACS Child Protective Specialist Supervisor II and the ACS Child Protective Specialist II each further acknowledged that she used her ACS computer to send e-mails to each other regarding their janitorial business. The ACS Child Protective Specialist Supervisor II and the ACS Child Protective Specialist II each acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant and from using City time or City resources for any non-City purpose, particularly for engaging in any private business or financial enterprise. *COIB v. Edwards*, COIB Case Nos. 2007-433a and 2002-856b (2008), and *COIB v. Jafferalli*, COIB Case No. 2007-433 (2008).

The Board and the New York City Department of Education (“DOE”) concluded two three-way settlements with a DOE Principal and a DOE Assistant Principal, each fined \$500 by the Board for continuing to jointly own and share a mortgage on a time share unit after the DOE Principal became the Assistant Principal’s supervisor. The DOE Principal and DOE Assistant Principal each acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant, even if the financial relationship also existed prior to the superior-subordinate relationship. *COIB v. Richards*, COIB Case No. 2006-559 (2008), and *COIB v. Cross*, COIB Case No. 2006-559a (2008).

MOONLIGHTING WITH A FIRM

ENGAGED IN CITY BUSINESS DEALINGS

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)

The Board fined two Steamfitters at the New York City Department of Correction (“DOC”) \$3,000 each for working for the same firm that had business dealings with the City. Each Steamfitter acknowledged that given the nature of that firm’s City business dealings, specifically, that they were performing their work in City parks, they knew or should have known about the firm’s business dealings with the City. Each Steamfitter acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm which the public servant knows – or should know – does business with the City. *COIB v. Gwiazdzinski*, COIB Case No. 2003-373k (2008); *COIB v. Lee*, COIB Case No. 2003-373a (2008).

OWNERSHIP INTEREST IN A FIRM ENGAGED IN BUSINESS DEALINGS WITH THE CITY

- **Relevant Charter Sections:** City Charter §§ 2604(a)(1)(a), 2604(a)(1)(b)

The Board and the Department of Education (“DOE”) concluded a three-way settlement with a former DOE Technology Staff Developer who owned and operated a firm that did business with DOE while he was employed by DOE. The former Technology Staff Developer admitted that from September 1990 to June 2002, while he was still employed by DOE, he entered into multiple contracts with DOE on behalf of a private tour bus company that he owned and operated. He acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows does business with the public servant’s agency and which also prohibits a public servant from appearing for compensation before any City agency. The former Technology Staff Developer paid a total fine of \$5,000, for these and unrelated Chapter 68 violations in a separate matter. *COIB v. Sender*, COIB Case No. 2001-566b (2008).

JOB-SEEKING VIOLATIONS

- **Relevant Charter Sections:** City Charter § 2604(d)(1)

The Board issued a public warning letter to a former Research Scientist for the New York City Department of Environmental Protection (“DEP”) for submitting her resume to a private firm that was preparing the Environmental Impact Statement for a DEP project while, on behalf of DEP, she was reviewing and commenting on the firm’s work on that DEP project. Although the private firm to which she submitted her resume was a sub-consultant to DEP, the firm was nonetheless involved in the Environmental Impact Statement for the DEP project. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits public servants from soliciting for, negotiating for, or

accepting any position with a firm involved in a particular matter with the City while the public servant is directly concerned with or personally participating in that particular matter. *COIB v. Matic*, COIB Case No. 2006-703 (2008).

The Board issued a public warning letter to the Chief of the Division of Engineering for the New York City Department of Environmental Protection (“DEP”) Bureau of Wastewater Treatment for using his DEP e-mail account to send his resume to nine employers—including one government entity—while he played an oversight role in managing the DEP projects of several of those employers. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits public servants from using City resources for any non-City purpose and also prohibits public servants from soliciting for, negotiating for, or accepting any position with a firm—other than a local, state, or federal agency—involved in a particular matter with the City while the public servant is directly concerned with or personally participating in that particular matter. *COIB v. Maracic*, COIB Case No. 2006-756 (2008).

POST-EMPLOYMENT VIOLATIONS

- **Relevant Charter Sections:** City Charter §§ 2604(d)(2), 2604(d)(4)

The Board fined a former Assistant Director of Information Services for the Division of Tenant Resources at the New York City Department of Housing Preservation and Development (“HPD”) \$2,000 for interviewing for and accepted a position with a firm with which he was involved, in his HPD capacity, in the project to convert that firm’s housing project from a Mitchell-Lama regulated housing complex to a privately-run rental housing complex. The former Assistant Director further acknowledged that once he began working for the firm, he contacted HPD’s Director of Continued Occupancy on behalf of the firm via e-mail within the first year after he left HPD. The former Assistant Director acknowledged that his conduct violated the City’s conflicts of interest law. The conflicts of interest law prohibits a public servant from soliciting for, negotiating for, or accepting any position with a firm involved in a particular matter with the City while the public servant is directly concerned or personally participating with that particular matter, and also prohibits any former public servant from appearing before his or her former City agency within one year of the termination of employment with the City. *COIB v. Mizrahi*, COIB Case No. 2005-236 (2008).

The Board and the Department of Education (“DOE”) concluded three-way settlements with five former DOE Technology Staff Developers who each appeared before DOE on behalf of a private company within one year of resigning from DOE. The Technology Staff Developers each admitted that when they left DOE they formed and jointly owned a company to market and to sell vendors’ products to DOE. Two of the former Technology Staff Developers admitted that they served as the President and the CEO of the company, respectively, and they organized a conference for DOE on behalf of their company. Several DOE vendors paid the company to feature the vendors’ products during the DOE conference. Each former DOE Technology Staff Developer

made presentations at the DOE conference, and they all acknowledged that they violated the City of New York's conflicts of interest law, which prohibits any former public servant from appearing before his or her former City agency within one year of terminating employment with the City. The Board issued \$1,500 fines to three of the former Technology Staff Developers and a \$2,500 fine to the former Technology Staff Developer who acted as the company's president. The former Technology Staff Developer who acted as the company's CEO was fined \$5,000 total, for these and unrelated Chapter 68 violations in a separate matter. *COIB v. Ferro*, COIB Case No. 2001-566 (2008); *COIB v. Diaz*, COIB Case No. 2001-566a (2008); *COIB v. Sender*, COIB Case No. 2001-566b (2008); *COIB v. Guarino*, COIB Case No. 2001-566c (2008); *COIB v. Moran*, COIB Case No. 2001-566d (2008).

DISCLOSURE OF CONFIDENTIAL INFORMATION

- **Relevant Charter Sections:** City Charter §§ 2604(b)(4), 2604(d)(5)

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement in which an HRA Eligibility Specialist II was fined \$1,000 by the Board and suspended for 15 work days by HRA, valued at \$1,952, for a total financial penalty of \$2,952, for accessing and disclosing confidential information. The Eligibility Specialist II acknowledged that in or about January 2006 through February 2007, she accessed the HRA Welfare Management System database to obtain confidential information concerning her cousin's public assistance record in order to ascertain if her cousin had money to pay her back the \$14,000 she had previously loaned the cousin. The Eligibility Specialist II also acknowledged that she disclosed to her husband, mother, and daughter the confidential information she obtained concerning her cousin's public assistance record. The Eligibility Specialist II acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City employee or any person associated with the City employee. *COIB v. Namyotova*, COIB Case No. 2007-825 (2008).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement in which an HRA Job Opportunity Specialist was fined \$500 by the Board and suspended for 15 work days by HRA, valued at \$2,205, for a total financial penalty of \$2,705, for accessing and disclosing confidential information about his ex-wife. The Job Opportunity Specialist acknowledged that in June 2005, he accessed the HRA Welfare Management System database to obtain confidential information concerning his ex-wife's HRA records to obtain information about his ex-wife to use in child support proceedings in Family Court, and then disclosed that information at child support hearings in June and August 2005 in support of his request to the Court for a downward modification of the amount of child support he had been ordered to pay. The Job Opportunity Specialist acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a City employee from disclosing or using confidential information obtained as a result of his or her official duties to advance any direct or indirect financial or other private interest of the City

employee or any person associated with the City employee. *COIB v. Osindero*, COIB Case No. 2005-665 (2008).

New York City Officers and Employees* Required to File
Annual Statements of Financial Disclosure
Under New York State Mandate and New York City Law

	New York State Mandate (NYS Gen. Mun. Law § 811(1))	New York City Law (as of 1/1/04)** (NYC Ad. Code § 12-110)
1.	Elected officials (<i>see</i> § 810(2))	Elected officers (mayor, public advocate, Council members, borough presidents, comptroller, district attorneys)
2.	Heads of agencies, departments, divisions, councils, boards, commissions, and bureaus and their deputies and assistants (<i>see</i> § 810(3))	Agency heads, deputy agency heads, assistant agency heads, & compensated members of boards and commissions (§ 12-110(b)(3)(a)(1))
3.	Officers and employees holding policy-making positions (<i>see</i> § 810(3))	(a) Compensated members of boards and commissions (§ 12-110(b)(3)(a)(1)) (b) City employees in management pay plan in levels M4 and above (§ 12-110(b)(3)(a)(3))*** (c) Policymakers (§ 12-110(b)(3)(a)(2), (3))
4.	Non-policy-makers whose duties involve negotiation, authorization, or approval of certain documents or actions (<i>see</i> § 813(9)(k))	Employees whose duties involve negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, or applications for zoning changes, variances, or special permits (§ 12-110(b)(3)(a)(4))

* State and City law also require filing by local political party officials and candidates for elective City office. *See* NYS Gen. Mun. Law §§ 810(6), 811(1)(a)-(b), 812(1); NYC Ad. Code §§ 12-110(a)(1), 12-110(a)(2), 12-110(a)(3)(d). “Local political party official” is defined in NYS Gen. Mun. Law § 810(6); NYC Ad. Code § 12-110(a)(3)(c).

** Local Law 43 (Intro 64-A) (2003).

*** Council and DA employees: independent exercise of managerial or policymaking functions (§ 12-110(b)(3)(a)(2)).

[Training: Website Ethics Link: FD Filers Dec 2005]

FINANCIAL DISCLOSURE REPORTS

Calendar Year ("C.Y.")	Number of Reports Required for C.Y.	Reports Filed for C.Y.	Compliance Rate for C.Y. ¹	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. <u>Act.</u> <u>Inact.</u> ²		Current Non-Payers for C.Y. <u>Act.</u> <u>Inact.</u>	
2001	12,055	11,766	98.7%	531	176	\$19,725	0	152	0	33
2002	13,636	13,233	98.1%	626	230	\$25,525	0	254	0	77
2003	7,827 ³	7,477	96.8%	293	62	\$13,700	0	248	0	30
2004	7,550	7,233	97.1%	945	46	\$17,925	0	219	0	43
2005 ⁴	7,625	7,293	96.3%	221	10	\$2,500	1	219	1	17
2006	7,694	7,330	95.2%	12	1	\$250	157	165	82	62
TOTALS	56,387	54,332	97.0%	2,628	525	\$480,423 ⁵	158	1,257	83	262

¹ Includes those individuals who have appealed their agency's determination that they are required filers and who are thus currently in compliance.

² "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.

³ Local Law 43 of 2003 amended the financial disclosure law, NYC Ad. Code § 12-110, to, among other things, eliminate certain classifications of filers and add others.

⁴ In 2006, virtually all reports were filed electronically for the first time, for calendar year 2005.

⁵ Includes fines collected for calendar years 1989 through 2000, the reports for which have been discarded pursuant to the Board's retention policy.

CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

**THE FINANCIAL DISCLOSURE PROCESS
FOR MANUAL FILING OF FINANCIAL DISCLOSURE REPORTS**

1. Obtain from each agency a list of their employees who must file a disclosure report because of their purchasing or other duties (some employees appeal this determination by their agency);
2. Send to agency financial disclosure liaisons a computer printout of the agency's previous year's filers for updating;
3. Enter into the database agency liaisons' typed or handwritten additions and deletions to the agency's list of filers;
4. Incorporate changes into the financial disclosure form and instructions, prepare a camera-ready copy, and have 16,000 copies printed;
5. Contact all agencies to determine the number of forms they need;
6. Prepare the office for collection of the reports (filing cabinets, supplies, tables, temps, etc.);
7. Distribute financial disclosure forms and seals to agencies for distribution by them to their employees;
8. Send to each agency a corrected list of all employees in the agency who are required to file, obtain any corrections from each agency, and enter them into the database;
9. Process requests for extensions of time to file;
10. Receive 12,000 financial disclosure reports by certified mail or in batches from agencies (with lists of employees filing);
11. Enter into the database the date the report is filed (subsequently enter the dates of appeals, dates of non-filer letters, etc.);

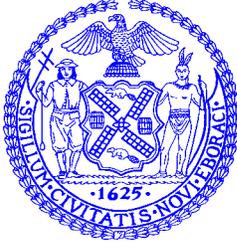
12. Repeatedly check the database against the financial disclosure reports filed (name, social security number, agency, and date filed) and check that reports are filed in the correct location ("sweeps");
13. Review all reports for completeness, notify filers of incomplete reports, provide reports to filers who come into office to amend (complete) their reports (those who fail to amend are treated as non-filers);
14. Send to each agency for review a computer printout of all non-filers in the agency and enter into the database agencies' deletions from the list of required filers;
15. Request agencies to provide home addresses of non-filers, the employment status of non-filers and non-payers (*i.e.*, employees who filed late but failed to pay the \$100 statutory late filing fine), and the agency's decisions on appeals;
16. Enter responses into the database;
17. Send dunning letters to non-filers and non-payers (typically about 300);
18. Process requests for waivers of late fines;
19. Process payments of late fines;
20. Notify agency heads of the names of non-filers and non-payers;
21. Publish in the newspaper and post on the web site an agency-by-agency list of non-filers;
22. Have agency inspectors general tell non-filers and non-payers to comply with law by filing their reports and paying their late fines;
23. Send a final warning notice;
24. Commence enforcement proceedings by sending petitions to non-filers and non-payers;
25. Litigate non-filer/non-payer cases against City employees (draft documents,

negotiate settlements and draft settlement agreements, prepare and try cases);

Other Activities

26. Send 1,500 to 2,000 memoranda per year to financial disclosure liaisons in regard to various aspects of the financial disclosure process;
27. Answer 3,000 telephone calls per year from filers, liaisons, the public, State and federal agencies, and the media about financial disclosure and financial disclosure reports;
28. Track the status of appeals and enter that information into the database;
29. Create and maintain a separate database of financial disclosure litigation against non-filers/non-payers (names, social security numbers, docket numbers, dates, dispositions, fines, etc.);
30. Rule on each request for privacy for part or all of a financial disclosure report (rulings are made only when someone requests to view the report);
31. Photocopy financial disclosure reports for inspection by the public and the media;
32. Process requests to inspect reports, provide reports for inspection, provide photocopies and process photocopying fees, and notify filers of the request for inspection;
33. Perform substantive reviews of reports by comparing them against databases (*e.g.*, the City's list of vendors) and reports of previous years;
34. Destroy reports after six years.

[Training: Website Ethics Link: FD_Process]



CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York 10007

(212) 442-1400

Fax: (212) 442-1407 TDD: (212) 442-1443

To: Electronic Financial Disclosure Filers

From: Felicia A. Mennin, Director of Financial Disclosure
Conflicts of Interest Board

Date: March 29, 2006

Re: **Filing Your 2005 Annual Financial Disclosure Report**

As you may recall, Local Law 43 of 2003 required that all annual financial disclosure reports be filed electronically beginning January 1, 2006. This means that your 2005 Financial Disclosure Report, which will be due later this year, will be filed using the new electronic filing process rather than the paper form with which most of you are familiar. The scope of the financial information that you are required to provide has not changed; the difference is that it will be provided in electronic rather than in paper form. The Conflicts of Interest Board (the "COIB") has been working with the Department of Information Technology and Telecommunications ("DoITT") and the Department of Investigation ("DOI") to develop a secure, user-friendly electronic financial disclosure system. This memorandum will detail for you some of the features of the new process and will also address some of the initial questions that you may have.

1. Security Features

A. Security Testing

Security of the filer's information was the paramount concern in developing and testing the program. The electronic financial disclosure application has state-of-the-art security technology built into it and has been reviewed and tested by the City's security experts, as well as by an independent security expert. Prior to the filing period, the program will undergo yet another round of security testing by a second independent security consulting group.

B. Deletion of Social Security Numbers

In response to concerns voiced by numerous filers, **filers are no longer required to provide their social security number as an identifier anywhere on the electronic financial disclosure report form.** Instead, the filer's Employee Identification Number ("EIN"), assigned by the Office of Payroll Administration, will be used. Your EIN is the "Reference #" that appears on your pay stub. For those agencies that do not use EINs, an identifier other than the social security number will be assigned.

C. Higher Security in the Transmission of Information to COIB

The system of transmitting the information to the COIB has been made more secure than it had been previously when paper reports were used. The electronic reports will now be transmitted to the COIB by the filer with the click of a button, in encrypted form. Previously, a paper report could have been viewed by anyone at your agency through whose hands it passed prior to arriving at the COIB, where it was secured.

2. Convenience Features

In addition to addressing security concerns, the agencies developing the program have sought to make it more user-friendly and convenient for the filers than the paper reports.

A. Remote Access

You will have the ability to complete the electronic report remotely using any PC with access to the Internet, whether at work, at home, or elsewhere.

B. The Filer Will Answer Only Those Questions That Pertain to the Filer

Another convenient feature is that the filer is no longer required to answer questions that are not applicable to him or her. At the beginning of the report, you will be asked some basic questions to form a "Profile." Based upon your answers, the program will generate the questions that are tailored to your profile. You need only answer those questions in order to complete the filing. For example, if, in the profile section of your report, you state that you do not own real estate or securities, you will not be asked to answer any questions about real estate or securities.

C. Instructions are Integrated into the Report

All of the instructions and defined terms for each question are built into pull-down screens, accessible as you read through the report, thus eliminating the need to consult a separate booklet for instructions.

D. Use of Pre-Populated Forms in the Second Filing Year of Electronic Filing

Beginning in 2007, the second year of city-wide electronic filing, the reports will appear “pre-populated.” This means that when a filer logs in and accesses his or her report in the second year of electronic filing, it will appear containing the information that he or she put in the prior year’s report. Electronic filers will need only to review and update the prior year’s report, an effort that for most filers will require only a few minutes. The filer will no longer need to fill out a completely new report every year. Those filers who participated in the electronic filing pilot program last summer will enjoy the benefits of a pre-populated report in this year’s filing cycle.

E. Forms of Assistance

DoITT will staff a “Helpdesk” 24 hours a day, seven days a week, during the filing period, to assist filers who are having difficulty accessing the program or other technical problems. We will provide you with contact numbers for the Helpdesk before the filing period begins. For substantive questions about the information required by the report, you may call the Financial Disclosure Unit at 212-442-1401 during normal business hours, from 9:00 a.m. until 5:00 p.m., on weekdays.

3. The Process, in a Nutshell

When it is time for you to file, your agency financial disclosure liaison, or his or her designee, will give you a sealed “filer user packet.” In order to receive the packet, the liaison will ask you to show photo identification and to sign for this packet. Please do not ask anyone to pick up your user packet for you. For security reasons, it must be given directly to you. There are no exceptions.

Inside your user packet you will find a temporary password and detailed instructions as to how to log into the application. You will be prompted to change the temporary password the first time you log in and to select your own password. For your security, you will be directed not to share your password with anyone. Once you have accessed the application, there will be explicit instructions as to what you need to do to complete the report.

4. The Filing Schedule

The filing period is scheduled to begin in early June 2006 and will run for a six-week period. We have been informed by DOI that it will adhere to the same filing deadlines. A filer who must also file with DOI will no longer be responsible for making a copy of his or her COIB report and transmitting it to DOI; instead the report will be transmitted by the filer electronically. Please note that DOI filers will still be required to fill out and file the DOI Executive Order 91 Reports on paper. Should you have any questions about the DOI report or procedures,

contact your agency's financial disclosure liaison, who will have instructions from DOI.

We thank you for your cooperation and look forward to working with you to make this process function smoothly.

TRAINING AND EDUCATION CLASSES ON CHAPTER 68

<u>Year</u>	<u>Department of Ed Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes¹</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
2001	116	74	190
2002	119	167	286
2003 ²	43	139	182
2004	119	169	288
2005	80	162	242
2006 ³	43	151	194
2007	75	341	416

¹ These totals do not include classes conducted by agency training/legal staff under COIB’s “Train the Trainer” program nor briefings set up and conducted exclusively by DOI.

² As a result of layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15, 2003, to October 15, 2003.

³ From December 2005 to September 2006 the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from December to mid-July, and the new hire needed to be trained before he could begin teaching classes.

COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold

Agencies that held three to nine classes are in italics

Agencies that held one or two classes are not separately listed

2000	2001	2002	2003 ¹	2004	2005	2006 ²	2007
Bd. of Education Buildings DEP DOT Finance Parks Sanitation <i>Correction</i> <i>DCAS</i> <i>DDC</i> <i>DOI</i> <i>EDC</i> <i>Health</i> <i>HPD</i> <i>HRA</i> <i>NYPD</i> <i>TLC</i>	Bd. of Education DCAS Finance HPD <i>DEP</i> <i>DDC</i> <i>FIRE</i> <i>DOITT</i> <i>Sanitation</i> <i>Transportation</i>	Buildings Correction DCAS Education Finance Sanitation SCA <i>ACS</i> <i>City Planning</i> <i>DDC</i> <i>DEP</i> <i>DOT</i> <i>Health</i> <i>HPD</i> <i>NYCERS</i> <i>Parks</i> <i>Transportation</i>	Correction Education DOHMH HRA NYCERS <i>Buildings</i> <i>DCAS</i> <i>DHS</i> <i>DYCD</i> <i>Finance</i> <i>Law</i>	Buildings DCAS Education DHS HRA <i>DCLA</i> <i>DFTA</i> <i>Finance</i> <i>DOHMH</i> <i>DOITT</i> <i>NYCERS</i>	Parks Finance DCA DYCD DOB DOB Education <i>DDC</i> <i>HRA</i> <i>TLC</i> <i>DOITT</i> <i>DCAS</i> <i>Community</i> <i>Boards</i> <i>HHC</i> <i>HPD</i> <i>DOC</i> <i>DOHMH</i> <i>Comptroller</i>	Comptroller DCAS DDC DOB Education Finance Sanitation <i>Community</i> <i>Boards</i> <i>DOC</i> <i>DOHMH</i> <i>DoITT</i> <i>DYCD</i> <i>HHC</i> <i>Manhattan</i> <i>Borough Pres</i> <i>TLC</i>	Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA Taxi & Limo Transportation <i>CCRB</i> <i>Community</i> <i>Boards</i> <i>DCP</i> <i>DoITT</i> <i>DYCD</i> <i>EDC</i> <i>HPD</i> <i>HRA</i> <i>NYCERS</i> <i>NYPD</i> <i>Parks</i>
Agencies Holding One or Two Classes: 22	Agencies Holding One or Two Classes: 14	Agencies Holding One or Two Classes: 29	Agencies Holding One or Two Classes: 12	Agencies Holding One or Two Classes: 27	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 21	Agencies Holding One or Two Classes: 39
Total Classes: 377³	Total Classes: 190³	Total Classes: 286³	Total Classes: 182³	Total Classes: 288³	Total Classes: 242³	Total Class: 194³	Total Class: 416³

¹ As a result of layoffs, the Board had no Training and Education Unit and therefore no training and education classes from May 15, 2003, to October 15, 2003.

² From December 2005 to September 2006, the Training and Education Unit had an effective staff of one, as the Senior Trainer position was vacant from January to mid-July, and the new hire needed to be trained before he could begin teaching classes.

³ These totals do not include classes conducted by agency training/legal staff under COIB's "Train the Trainer" program nor briefings set up and conducted exclusively by DOI.

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TODAY'S FEATURES

ATTENTION CANDIDATES FOR CITY COUNCIL

You are required by law to file a Financial Disclosure Report with the Board.

- ☛ [Candidate Report Instructions](#)
- ☛ [Candidate Report](#)

COIB 2007 Annual Report

COIB has released its 2007 Annual Report. You can download our latest report below, and also visit our Annual Report Directory for previous Annual Reports.

- ☛ [2007 Annual Report](#)
- ☛ [COIB Annual Report Directory](#)

We have a NEW Poster

If you would like a copy of our poster, or if you would like several to hang up in your agency, please [email us!](#)

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RESOURCES

Have a question regarding Chapter 68 of the New York City Charter, the conflicts of interest law?

Call us at (212) 442-1400 and ask for the Lawyer of the Day



☛ [Larger Version](#)

Publications Features

- The latest edition of *The Ethical Times* is now online.
- The Training & Education Unit is now publishing a monthly column that answers general questions about Chapter 68. The column, called *Answers from the City Ethicist*, can be found in *The Chief Leader*. Electronic versions can be accessed below.
- ☛ [Go to Ethical Times Directory Page](#)
- ☛ [Go to Answers from the City Ethicist](#)

Enforcement Dispositions & Advisory Opinions on the Web

The full text of all enforcement dispositions and advisory opinions published by the Conflicts of Interest Board are available on the internet at [Citylaw.org](#)
☛ [Citylaw.org](#)

SERVICES

Introduction to Chapter 68

Want to know exactly what "a conflict of interest" (in PDF) is as defined by Chapter 68 of the City Charter?

- ☛ [Read Chapter 68 of the City Charter](#)
- ☛ [A Plain Language Guide to Chapter 68](#)
- ☛ [A brief overview of Chapter 68](#)

Avoiding Conflicts of Interest Video

This video takes a look at typical scenarios where conflicts of interest can arise, and offers suggestions on managing/avoiding them. You can find additional videos and training tools on our [Supplemental Materials Page](#).

- ☛ [Avoiding Conflicts of Interest \(Low\)](#)
- ☛ [Avoiding Conflicts of Interest \(High\)](#)

Find out what a prohibited ownership interest is

The City's conflicts of interest law contains restrictions on your "interest" in any firm doing business with the City. An interest may be either a position with the firm (e.g., officer, director, employee) or an ownership interest (direct ownership of a business, stocks, bonds, mutual funds, and the like) in the firm. In this interactive exercise, you can find out if any of your (or your spouse's or child's) ownership interests are prohibited under Chapter 68 of the City Charter.

- ☛ [Information on Prohibited Ownership Interests](#)

Take the Ethics Challenge!

Play the Ethics Quiz. It's Interactive! Help Oscar McFly, your average City guy, get through an ethically challenging day. Test your knowledge of Chapter 68 of the New York City Charter and see how it might effect you at your City job.

- ☛ [Play the Interactive Ethics Quiz](#)

COIB IN THE NEWS

New York Up Close

The City Workers' Guide to Right and Wrong

By MICHAEL POLLAK

Published: June 10, 2007

The city's Conflict of Interest Board tries to spice up its work with a monthly column written by a fictional character named the City Ethicist.

- ☛ [NY Times article by Michael Pollak](#)

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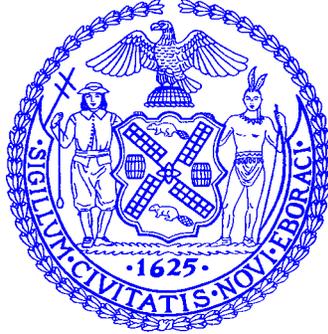
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