

NYC CONFLICTS OF INTEREST BOARD
CHAPTER 68 ENFORCEMENT CASE SUMMARIES

Current as of July 28, 2009

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 a former Assistant Commissioner at the New York City Administration for Children's Services ("ACS") \$2,750 for working for a firm doing business with the City and with ACS, despite receiving a Board Order advising him not to do such work. The former Assistant Commissioner admitted that his wife was the owner of a day care center with business dealings with ACS and with the New York City Department of Education. The Assistant Commissioner sought an Order from the Board permitting him to retain his otherwise prohibited imputed ownership interest in a firm doing business with the City, which Order was granted, based in part on the Assistant Commissioner's representation, both to the ACS Commissioner and to the Board, that he had no involvement in his wife's day care center. In its Order, the Board advised the Assistant Commissioner that he must continue to have no involvement in his wife's day care center. However, notwithstanding his own representations to the Board and the Board's written admonition, the former Assistant Commissioner continued to work as the day care center's accountant or Chief Financial Officer, for which work the Assistant Commissioner was compensated. The former Assistant Commissioner 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 does business with the City or with his own agency. *COIB v. Davey*, COIB Case No. 2008-635 (2009).

The Board fined an Administrative Engineer for the New York City Department of Environmental Protection ("DEP") \$6,000 for representing his private plumbing business in business dealings with the Department of Buildings ("DOB") on more than 232 occasions and attending DOB inspections of his private plumbing work during his DEP work hours. The DEP Administrative Engineer admitted that, in connection with his private plumbing business, he filed 224 Plumber's Affidavits and eight Fire Suppression Piping permits with DOB and attended DOB inspections of his plumbing work during his DEP work hours. He further admitted that he had previously signed a statement acknowledging that he understood that the City's conflicts of interest law prohibited him, as a public servant, from filing Plumber's Affidavits with DOB. The DEP Administrative Engineer admitted that, by filing Plumber's Affidavits and Fire Suppression Piping permits with DOB, he engaged in business dealings with and represented private interests before DOB. The DEP Administrative Engineer acknowledged that he violated the City's conflicts of interest law, which prohibits a public servant from engaging in business dealings with the City and from representing private interests before the City. *COIB v. Tharasavat*, COIB Case No. 2008-236 (2009).

The Board issued a public warning letter to a Special Project Coordinator at the New York City Department of Parks and Recreation for, in violation of City's conflicts of interest

law: (a) serving as the volunteer President of a not-for-profit organization having business dealings with Parks without the approval of the Parks Commissioner; (b) being directly involved in that not-for-profit's City business dealings, through her solicitation of grants and contracts from the City for the not-for-profit; (c) performing work for the not-for-profit while on City time and using City resources, such as Parks personnel and her Parks office and telephone; and (d) misusing her position to schedule events at Parks facilities for the not-for-profit on terms and conditions not available to other entities. Here, the Board did not pursue further enforcement action against the Special Project Coordinator for her multiple violation of Chapter 68 of the City Charter because her supervisor at Parks had knowledge of and apparently approved her use of City time and resources on behalf of the not-for-profit organization. Nonetheless, the Board took the opportunity of the issuance of this public warning letter to remind public servants that, in order to hold a position at a not-for-profit having business dealings with their own agency, public servants must obtain approval from their agency head, not merely their supervisor, to have that position *and* must have no involvement in the City business dealings of the not-for-profit. Under certain circumstances the Board may grant a waiver of that prohibition, subject to certain conditions, after receiving written approval of the public servant's agency head. However, even with such a waiver, public servants would still not be permitted to use their City positions to obtain a benefit for the not-for-profit with which they have a position – such as obtaining access to City facilities on terms not available to other not-for-profits. *COIB v. Rowe-Adams*, COIB Case No. 2008-126 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) - Office of the Chief Medical Examiner (“OCME”) concluded a three-way settlement with an OCME Mortuary Technician who, in 2008, had a position with Building Services International (“BSI”), which firm contracted with OCME to clean its facilities. The OCME Mortuary Technician acknowledged that by working for BSI, a firm with business dealings with OCME, he violated the City's conflicts of interest law, which prohibits a City employee from having a position with a firm doing business with his agency or, for full-time employees, with any City agency. The OCME Mortuary Technician also acknowledged that, on at least five occasions in April and May 2008, he performed work for BSI during times when he was required to be working for OCME. The OCME Mortuary Technician admitted that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time to pursue private activities. For these violations, the OCME Mortuary Technician agreed to an eleven-day suspension, which has the approximate value of \$1,472, to be imposed by OCME. *COIB v. McFadzean*, COIB Case No. 2008-941 (2009).

The Board issued a public warning letter to a former Computer Service Technician for the Department of Education (“DOE”) for working for a DOE vendor (the “Vendor”) that provides supplemental educational services (“SES”) to DOE students. The Computer Service Technician did not obtain a waiver from the Board to allow her work for the Vendor. 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 working for any firm that does business with the City but that under certain circumstances the Board may grant a waiver of that prohibition, subject to certain conditions, after receiving written approval of the public servant's agency head. *COIB v. Gardner*, COIB Case No. 2007-347 (2009).

The Board issued a public warning letter to an Education Administrator for the New York City Department of Education (“DOE”) who entered into six contracts with a publishing firm that does business with DOE through textbooks sales. The Assistant Principal contracted to contribute editorial services to textbooks and was identified in one such textbook as a DOE employee, but the textbook did not contain a disclaimer that the views expressed therein were his alone. 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 entering into a contract with any firm that does business with the City, but that the Board may grant a waiver of that prohibition, subject to certain conditions, after receiving written approval of the public servant’s agency head. *COIB v. Acevedo*, COIB Case No. 2008-072 (2008).

The Board fined the former Director of the Call Center for the New York City Department of Health and Mental Hygiene (“DOHMH”) \$7,500 for, among other things, serving as a member and Vice-Chair of the Board of Directors of a not-for-profit organization with substantial business dealings with the City, including with an agent of DOHMH. The former Director acknowledged that, in addition to her DOHMH position, she also served, since 1998, as an unpaid Member and Vice-Chair of the Board of Directors of the not-for-profit organization and in that capacity had often functioned as the organization’s *de facto* (although unpaid) Executive Director. From before and during her involvement with the organization, it has had substantial City business dealings, including with DOHMH, of which she was aware and in which she was directly involved. The former Director acknowledged that by having a position with a firm that she knew was involved in business dealings with a number of City agencies, including her own, she violated the City’s conflicts of interest law, which prohibits a public servant from having a position with a firm having business dealings with the City. A position, under the City’s conflicts of interest law, would include being an officer of a not-for-profit organization or a member of its board of directors. *COIB v. Harmon*, COIB Case No. 2007-774 (2008).

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).

The Board fined a Probation Officer for the New York City Department of Probation (“DOP”) \$750 for owning and operating a firm that subcontracted to do business with the City. The Probation Officer admitted that he owned and operated a private security services firm that contracted with four private construction firms to provide subcontracted security guard services at New York City School Construction Authority (“SCA”) construction sites. The Probation Officer acknowledged that his firm was engaged in business dealings with the City through the subcontracts with SCA, in violation of the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows or should know is

engaged in business dealings with the City and also prohibits a public servant from appearing for compensation before any City agency. *COIB v. Saigbovo*, COIB Case No. 2007-058 (2008).

The Board fined a former Traffic Device Maintainer for the New York City Department of Transportation (“DOT”) \$1,500 for working for eleven years for a firm that was doing business with DOT. The former Traffic Device Maintainer admitted that while employed by DOT, he was also working as a Company Representative for a firm that had business dealings with the City and with DOT. The former Traffic Device Maintainer acknowledged that given that size of the Company, and the duration of his dual employment (11 years), he should have known about the Company’s business dealings with the City and with his own agency. The former Traffic Device Maintainer 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 or with his agency. *COIB v. Riccardi*, COIB Case No. 2004-610 (2008).

The Board fined an Administration for Children’s Services Child Protective Specialist Supervisor \$2,000 for moonlighting with a firm doing business with the City. The Child Protective Specialist Supervisor acknowledged that from July 2, 1990, to November 20, 2006, he also worked, without a waiver from the Board, with a firm that did business with the City. The Child Protective Specialist Supervisor acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a regular employee from having an interest in a firm which such regular employee knows, or should know, is engaged in business dealings with the City. *COIB v. Blenman*, COIB Case No. 2006-632 (2007).

The Board imposed a \$1500 fine on a former Associate Executive Director of the Human Resources Department at Coney Island Hospital (“CIH”)—a New York City Health and Hospitals Corporation (“HHC”) hospital—who, without a waiver from the Board, simultaneously worked for HHC and two private employers that did business with HHC. This private employment conflicted with the proper discharge of the Associate Executive Director’s HHC duties. One private employer was a college that did business with the City and HHC. The other private employer was a union that represented HHC employees, including several CIH employees. He admitted that, as Associate Executive Director of the Human Resources Department, he dealt with that union on a day-to-day basis. He acknowledged that his conduct violated the City’s conflict of interest law, which prohibits a public servant from having a position with a firm that the public servant knows does business with his or her agency or the City, and also prohibits a public servant from having any private employment in conflict with the proper discharge of his or her official duties. *COIB v. Cammarata*, COIB Case No. 2007-053 (2007).

The Board fined a former Bridge Painter for the New York City Department of Transportation (“DOT”) \$750 who, while he was on leave from, but still employed by, DOT, took a second job working as a bridge painter for a private company which had painting contracts with DOT. The Bridge Painter acknowledged that this 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 does business with his agency. *COIB v. Murphy*, COIB Case No. 2002-678 (2007).

The Board fined a former New York City Administration for Children’s Services (“ACS”) Child Protective Manager \$1000 who, as a Child Protective Specialist, moonlighted, without a waiver

from the Board, with a foster care agency that did business with ACS. After she was promoted to Manager, she supervised two ACS investigations into foster parents she had previously recommended for licensure at the foster care agency. The former Child Protective Manager acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from having a position with a firm which the public servant knows does business with her agency, and also prohibits a public servant from having private employment in conflict with the proper discharge of her official duties. *COIB v. Henry*, COIB Case No. 2006-068 (2007).

The Board and the Department of Education ("DOE") concluded a three-way settlement with a DOE Electrical Inspector for being employed by a firm engaged in business dealings with the City from 2002 through the present. The Electrical Inspector acknowledged that he failed to seek written approval from the DOE Chancellor and the Board to obtain this outside employment in violation of the City's conflicts of interest law, which prohibits a public servant from holding or negotiating for a position with a firm that has City business dealings without first obtaining written approval from the Board. The Board fined the electrical inspector \$1,000. *COIB v. Matos*, COIB Case No. 2004-570 (2007).

The Board issued a public warning letter to the Deputy Chief Medical Officer of the Fire Department ("FDNY") Bureau of Health Services, who moonlighted for a firm that had business dealings with FDNY. Although both he and FDNY had long-standing relationships with this City vendor, FDNY did not advise him to seek a waiver from the Board. *COIB v. Prezant*, COIB Case No. 2005-454 (2006).

The Board concluded a settlement with a Fire Department ("FDNY") fire safety inspector who was moonlighting for a hotel in New York City as a watch engineer. On February 4, 2004, the fire safety inspector ended his shift at the hotel and reported for duty at FDNY, where he was assigned to conduct an on-site inspection of the same hotel. The fire safety inspector returned to the hotel that same day and conducted the inspection. He also administered on-site exams to hotel employees, including his hotel supervisor, and determined that they were qualified to serve as fire safety directors of the hotel. The FDNY re-inspected the hotel and re-tested its employees after his conflict of interest became known. The fire safety inspector acknowledged that he violated conflicts of interest law provisions that prohibit a public servant from having an interest in a firm that has business dealings with his agency, from having any financial interest in conflict with the proper discharge of his duties, and from using his City position to benefit himself or a person or firm with which he is associated. The Board fined the inspector \$4,000. *COIB v. Trica*, COIB Case No. 2004-418 (2005).

The Board fined a former Property Manager/Supervising Appraiser for the New York City Housing Authority ("NYCHA") \$2,000 for moonlighting as an appraiser of residential property for a firm while she was working for NYCHA, and selecting, on behalf of NYCHA, the firm with which she was moonlighting to perform appraisals for NYCHA. The property manager also admitted that she used a NYCHA fax machine and letterhead, as well as City time, to make appointments relating to her non-City employment. The Board fined her \$2,000, after taking into consideration her unemployment. *COIB v. Campbell*, COIB Case No. 2003-569 (2004).

The Board and the Department of Education concluded a three-way settlement in a case involving an Assistant Architect at the Department of Education Division of School Facilities who had a private firm he knew had business dealings with the City and who conducted business on behalf of private interests, for compensation, before the City's Department of Buildings ("DOB") on City time, without the required approvals from the Department of Education and the Board. The Board took the occasion of this settlement to remind City-employed architects who wish to have private work as expeditors that they must do so only on their own time and that they are limited to appearances before DOB that are ministerial only – that is, business that is carried out in a prescribed manner and that does not involve the exercise of substantial personal discretion by DOB officials. The assistant architect admitted that he pursued his private expediting business at times when he was required to provide services to the City and while he was on paid sick leave. The Board fined him \$1,000, and the Department of Education suspended him for 30 days without pay and fined him an additional \$2,500 based on the disciplinary charges attached to the settlement. *COIB v. Arriaga*, COIB Case No. 2002-304 (2003).

The Board fined a former Department of Employment Program Manager \$1,000 for moonlighting with a firm that had business dealings with the Department. Although on leave from their City jobs, City employees are bound by the Charter's conflicts of interest provisions. While on sick leave from the Department, the Program Manager took a job with a contractor doing business with his agency. Because he repeatedly changed his separation date, the Program Manager received twice the sick leave payments he would have received had he resigned his job on the date he had originally agreed to do so. *COIB v. Camarata*, COIB Case No. 1999-121 (2001).

The Board issued a public warning letter to an Assistant Civil Engineer at the Department of Transportation ("DOT") who inspected bridges for DOT, including the Williamsburg Bridge. The engineer accepted a position with a sub-consultant on a DOT contract involving inspections of that bridge. He worked for the sub-consultant during four weeks of vacation from DOT. Although he claimed he did not know that his second employer had business dealings with the City, the Board stated that he should have known of those dealings and should not have taken the job. He resigned upon learning that the matter on which he was working for the private employer was a DOT contract. There was no fine and the engineer agreed to publication of the Board's letter. *COIB v. Ayo*, COIB Case No. 1999-461 (2001).

The Board fined a firefighter \$7,500 for unauthorized moonlighting with a distributor of fire trucks and spare parts to the Fire Department. As part of the settlement, the firefighter agreed to disgorge income from his after-hours job, and the vendor, in effect, funded the settlement. *COIB v. Ludewig*, COIB Case No. 1997-247 (1999).

The Board fined a City firefighter \$100 for working part time without permission for a company that supplies the Fire Department with equipment. Mitigating factors, including financial hardship, affected the size of the fine. *COIB v. Cioffi*, COIB Case No. 97-247 (1998).

A former spokesman for the Chancellor of the Board of Education was found to have a prohibited interest in a firm engaged in business dealings with the City, but no penalty was imposed because of mitigating circumstances. *COIB v. Begel*, COIB Case No. 1996-40 (1996).

MISUSE OF CITY TIME & CITY RESOURCES

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

The Board fined a New York City Housing Authority (“NYCHA”) Supervising Housing Caretaker \$1,000 for receiving fees from two tax preparation companies for referring five of his subordinates to the companies and for receiving faxes at his job in connection with this private business. The NYCHA Supervising Housing Caretaker acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using his or her City position to attempt to obtain any financial gain for the public servant or any person or firm associated with the public servant and prohibits public servants from using City resources for non-City purposes. In setting the amount of the fine, the Board took into consideration that for this conduct the Supervising Housing Caretaker was suspended by NYCHA for three days, valued at approximately \$586. *COIB v. Samuels*, COIB Case No. 2008-910 (2009).

The Board fined a former New York City Housing Authority (“NYCHA”) Plumbing Supervisor \$1,000 for using four hours of City time to work for his private plumbing company. The former NYCHA Plumbing Supervisor acknowledged that he violated the City’s conflicts of interest law, which prohibits a public servant from using City time for non-City purposes. *COIB v. Byrne*, COIB Case No. 2008-825 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which a Special Consultant in the DOHMH Bureau of Mental Health was suspended for six days, valued at \$1,597, for using City time and City resources to work on a variety of private business ventures. The DOHMH Special Consultant admitted that, at times when she was supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account to store and send offers for a variety of private business ventures, including real estate short sales, travel packages, and her second job at the Learning Annex. The Special Consultant acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Miller*, COIB Case No. 2009-227 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which an Associate Staff Analyst, holding an underlying civil service title of Public Health Educator, in the DOHMH Bureau of School Health was suspended for five days by DOHMH, valued at approximately \$1,274, for giving two paid lectures which he could have been reasonably assigned to do as part of his DOHMH duties and then communicating about those paid lectures using City technology resources and while on City time. The DOHMH Associate Staff Analyst admitted that he gave two paid lectures on HIV/AIDS to incoming students at The Cooper Union for the Advancement of Science and Art and that he could have been reasonably assigned to deliver these lectures as part of his DOHMH duties. The Associate Staff Analyst further admitted that, at times when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to communicate with Cooper Union about those lectures. The Associate Staff Analyst acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from receiving compensation from any entity other than the City for performing

their official duties and prohibits public servants from using City time and City resources to pursue private activities. *COIB v. Sheiner*, COIB Case No. 2009-177 (2009).

The Board fined a former Community Coordinator at the New York City Administration for Children's Services ("ACS") \$2,000 for using City resources and City time to perform work related to his private counseling practice and for appearing before another City agency on behalf of that practice. The former Community Coordinator admitted that, at times he was supposed to be performing work for ACS, he used his City computer and ACS e-mail account to conduct activities related to his private mental health counseling practice. The former Community Coordinator also admitted that he had submitted documentation to the New York City Department of Education ("DOE") in order to be included on a list of providers to be selected by DOE parents to provide services to their children, which services would have been paid for by DOE. The former Director acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources for any non-City purpose and prohibits a public servant from appearing for compensation before any City agency. In determining the amount of the fine, the Board took into account that the former Community Coordinator had resigned from ACS while related disciplinary charges were pending. *COIB v. Belenky*, COIB Case No. 2009-297 (2009).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement in which a Principal Administrative Associate in the DOHMH Bureau of Correctional Health Service was suspended for seven days by DOHMH, with the approximate value of \$1,492, for using City resources on City time to complete an online degree at the University of Phoenix. The DOHMH Principal Administrative Associate admitted that, at times when she was supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account in an amount substantially in excess of the *de minimis* amount permitted by the City of New York's Policy on Limited Personal Use of City Office and Technology Resources (also known as the "Acceptable Use Policy") to complete an online degree at the University of Phoenix. The Principal Administrative Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Gabrielsen*, COIB Case No. 2009-192 (2009).

The Board, the New York City Department of Education ("DOE"), and the DOE Division of School Facilities concluded a settlement in which a DOE Custodian Engineer received a DOE-imposed penalty valued at more than \$7,904 for, among other misconduct, using City resources for non-City purposes. The DOE Custodian Engineer admitted that he removed two 55-gallon drums belonging to DOE from a DOE school for his personal use. He further admitted that he removed the drums without permission or authorization from DOE to do so. The DOE Custodian Engineer acknowledged that this conduct violated the City's conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. He further admitted that he engaged in other misconduct that violated DOE Rules and Procedures, but not Chapter 68 of the New York City Charter, the City's conflicts of interest law. The DOE Custodian Engineer agreed to the imposition of several penalties by DOE, including waiving thirty days of back pay, which has an approximate value of \$7,904. The Board accepted the DOE-imposed penalty as a sufficient penalty for the Custodian Engineer's violations of Chapter 68. *COIB v. Core*, COIB Case No. 2008-237 (2009).

The Board and the New York City Department of Sanitation (“DSNY”) concluded a three-way settlement with a DSNY Sanitation Worker who, while on City time, sold unauthorized DSNY merchandise for personal profit from his personal vehicle outside of a DSNY garage. The Sanitation Worker acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and resources to pursue private activities. The Sanitation Worker was fined 15 work days, valued at \$3,822, by DSNY. *COIB v. Guerrero*, COIB Case No. 2008-922 (2009).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement with an HRA Food Stamps Eligibility Specialist who agreed to an eleven work-day fine, valued at \$1,671, to be imposed by HRA, and a \$400 fine payable to the Board, for a total financial penalty of \$2,071 for using City time and City resources to do work for his private business. The HRA Food Stamps Eligibility Specialist admitted that, at times when he was supposed to be doing work for HRA, he used his City office, computer, e-mail account, and telephone to perform work related to his private process-serving and bankruptcy services business. The Food Stamps Eligibility Specialist acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Purdie*, COIB Case No. 2008-687 (2009).

The Board concluded a settlement with a former Caseworker for the New York City Human Resources Administration (“HRA”) who, in 2003, used her HRA letterhead to create a phony letterhead, purportedly from her HRA supervisor, stating that she no longer worked for HRA when, in fact, she did. The former Caseworker admitted that she prepared this phony letter on HRA letterhead for the purpose of misrepresenting her income to the U.S. Department of Housing and Urban Development (“HUD”) in order to obtain a greater amount of rent subsidies through the HUD-funded Section 8 rental assistance program. The former Caseworker admitted that, by using City letterhead for the non-City purpose of fraudulently obtaining a lower rent for herself, she violated the City’s conflicts of interest law, which prohibits a public servant from using a City resource for a non-City purpose. The former Caseworker had previously plead guilty to charges based on this misconduct in U.S. District Court and was sentenced in June 2008 to two years’ probation and six months’ home confinement and was ordered to pay restitution in the full amount that she had defrauded the government, \$41,035. In light of these criminal penalties, the Board did not impose its own separate penalty. *COIB v. Medal*, COIB Case No. 2008-744 (2009).

The Board issued a public warning letter to a Special Project Coordinator at the New York City Department of Parks and Recreation for, in violation of City’s conflicts of interest law: (a) serving as the volunteer President of a not-for-profit organization having business dealings with Parks without the approval of the Parks Commissioner; (b) being directly involved in that not-for-profit’s City business dealings, through her solicitation of grants and contracts from the City for the not-for-profit; (c) performing work for the not-for-profit while on City time and using City resources, such as Parks personnel and her Parks office and telephone; and (d) misusing her position to schedule events at Parks facilities for the not-for-profit on terms and conditions not available to other entities. Here, the Board did not pursue further enforcement action against the Special Project Coordinator for her multiple violation of Chapter 68 of the City Charter because her supervisor at Parks had knowledge of and apparently approved her use of City time and resources on behalf of the not-for-profit organization. Nonetheless, the Board took

the opportunity of the issuance of this public warning letter to remind public servants that, in order to hold a position at a not-for-profit having business dealings with their own agency, public servants must obtain approval from their agency head, not merely their supervisor, to have that position *and* must have no involvement in the City business dealings of the not-for-profit. Under certain circumstances the Board may grant a waiver of that prohibition, subject to certain conditions, after receiving written approval of the public servant's agency head. However, even with such a waiver, public servants would still not be permitted to use their City positions to obtain a benefit for the not-for-profit with which they have a position – such as obtaining access to City facilities on terms not available to other not-for-profits. *COIB v. Rowe-Adams*, COIB Case No. 2008-126 (2009).

The Board fined a City Planner for the New York City Department of City Planning (“City Planning”) \$500 for using a City-owned City Planning vehicle for unauthorized personal purposes. The City Planner admitted that, on a Saturday when she was not working for City Planning, she drove a City-owned vehicle from the City Planning Queens Borough Office to Jersey City, New Jersey, to attend a personal meeting. The City Planner acknowledged that she violated the City's conflicts of interest law, which prohibits a public servant from using a City resource for a non-City purpose. *COIB v. Chen*, COIB Case No. 2008-688 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which a DOHMH Principal Administrative Associate was suspended by DOHMH for five days, valued at \$817, for using City resources to do non-City work during times when she was required to be working for DOHMH. The Principal Administrative Associate admitted that, on numerous occasions when she was required to perform services for DOHMH, she used a DOHMH computer and her DOHMH e-mail account to engage in activities related to her private tenant, including e-mailing New York State and City officials seeking assistance with rental issues she was having with her tenant. The Principal Administrative Associate acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue non-City business. *COIB v. Pottinger*, COIB Case No. 2009-063 (2009).

The Board fined the former Director of Special Projects at the Office of the Chief Medical Examiner (“OCME”) \$3,250 for using City resources and his City position to perform work related to a private consulting venture. The former Director acknowledged that when he was still employed by OCME, he had several substantive conversations about his proposed private consulting firm with representatives of an OCME vendor, specifically about the prospect of the OCME vendor doing business with his private consulting firm. He also used OCME facilities to engage in a number of substantive conversations, with an OCME colleague and others, about the creation of the private consulting firm. 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. Ribowsky*, COIB Case No. 2008-478 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a Coordinating Manager in the DOHMH Bureau of Health Care Access and Improvement in which the Coordinator Manager was suspended for twenty-five days by DOHMH, with the approximate value of \$5,000, for using City time and City resources to perform work relating to her family’s import-export business and to complete an online defensive driving course. The DOHMH Coordinating Manager admitted that, at times when she was supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account to prepare, store, and transmit hundreds of documents relating to an import-export business owned by her and her husband. The Coordinating Manager also admitted that, at times when she was supposed to be doing work for DOHMH, she used a City computer to access and to complete an online defense driving course. The Coordinating Manager acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Bastawros*, COIB Case No. 2009-045 (2009).

The Board fined the Director of Facilities Management for the Division of School Facilities at the New York City Department of Education (“DOE”) \$1,150 for using DOE subordinates to perform a personal favor for him using a City vehicle. The Director acknowledged that, in a room containing a number of DOE employees, including his subordinates, he stated that he was having difficulty locating a tricycle for his grandchild. One of his subordinates volunteered to purchase the tricycle for the Director during his lunch break, an offer the Director accepted. The subordinate could not purchase it during his lunch break, so he offered to look for the tricycle at a different store on his way home from work with a second subordinate, an offer which the Director also accepted. The Director was aware that both shopping trips would be made using the subordinate’s regularly-assigned DOE vehicle. The Director acknowledged that his conduct violated the City’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 any City resource, such as a City vehicle, for a non-City purpose. *COIB v. Borowiec*, COIB Case No. 2008-555 (2009).

The Board fined a former Department of Homeless Services (“DHS”) Attorney \$2,000 for using her City office during her City work hours to hold a meeting to discuss her professional resume services with a DHS Security Officer, whom she charged to prepare his resume, and using her City computer to send an e-mail message to a DHS employee inquiring if DHS accepted applications for Agency Attorney Intern positions from individuals with a law degree from outside of the United States (the DHS Security Officer with whom the former DHS Attorney met had a law degree from outside the United States). The DHS Attorney also acknowledged that she sent an e-mail message from her personal e-mail account to her work e-mail account with the DHS security officer’s resume and cover letter as attachments. The former DHS Attorney acknowledged that her conduct violated the City’s conflicts of interest law, which, among other things: (a) prohibits a public servant from pursuing private activities during times when that public servant is required to perform services for the City; and (b) prohibits a public servant from using City resources for any non-City purpose. After taking into consideration the former DHS Attorney’s extraordinary financial hardship, including her current

unemployment status, the Board suspended collection of the \$2,000 fine. *COIB v. James*, COIB Case No. 2006-462 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) - Office of the Chief Medical Examiner (“OCME”) concluded a three-way settlement with an OCME Mortuary Technician who, in 2008, had a position with Building Services International (“BSI”), which firm contracted with OCME to clean its facilities. The OCME Mortuary Technician acknowledged that by working for BSI, a firm with business dealings with OCME, he violated the City’s conflicts of interest law, which prohibits a City employee from having a position with a firm doing business with his agency or, for full-time employees, with any City agency. The OCME Mortuary Technician also acknowledged that, on at least five occasions in April and May 2008, he performed work for BSI during times when he was required to be working for OCME. The OCME Mortuary Technician admitted that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time to pursue private activities. For these violations, the OCME Mortuary Technician agreed to an eleven-day suspension, which has the approximate value of \$1,472, to be imposed by OCME. *COIB v. McFadzean*, COIB Case No. 2008-941 (2009).

The Board fined a Deputy Chief of Emergency Medical Services (“EMS”) for the New York City Fire Department (“FDNY”) \$500 for using a City-owned FDNY vehicle for unauthorized personal purposes. The EMS Deputy Chief admitted that, while she was off-duty, she used a FDNY vehicle, without authorization from FDNY, to pick up officers from a ship docked in Manhattan and drive them to a restaurant in Manhattan for a personal meeting. The EMS Deputy Chief acknowledged that she violated the City’s conflicts of interest law, which prohibits a public servant from using a City resource for a non-City purpose. *COIB v. Kwok*, COIB Case No. 2008-504 (2009).

The New York City Conflicts of Interest Board (the “Board”) fined a former Administration for Children’s Services (“ACS”) Child Protective Specialist \$6,626.04 for using her City-issued cellular telephone to make over 1,000 personal telephone calls from June 30 to September 24, 2007, including over 250 long-distance calls to Jamaica, amounting to a \$6,126.04 telephone bill for which she failed to reimburse ACS. These telephone calls were made on City time and without authorization from ACS. The Child Protective Specialist acknowledged that her conduct violated the City’s conflicts of interest law, which, among other things: (a) prohibits a public servant from using City resources for any non-City purpose; and (b) prohibits a public servant from pursuing private activities during times when that public servant is required to perform services for the City. The \$6,626.04 fine imposed by the Board includes restitution of the \$6,126.04 incurred in personal telephone bills at ACS and a \$500 fine to the Board. However, after taking into consideration the Child Protective Specialist’s extraordinary financial hardship, including her current unemployment status, the Board agreed to suspended collection of the fine. *COIB v. Henry*, COIB Case No. 2008-006 (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which a DOHMH Supervising Public Health Advisor was suspended by DOHMH for three days, valued at \$562, for using City resources to do non-City work during times when he was required to be working for DOHMH. The DOHMH Supervising Public Health Advisor admitted that, on numerous occasions when he was required to perform services for DOHMH, he used a DOHMH computer and his DOHMH e-mail account

to engage in activities related to his outside work as a musician, including sending and receiving e-mails to solicit business and advertise performances. The Supervising Public Health Advisor acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue non-City business. *COIB v. King*, COIB Case No. 2008-681 (2009).

The Board and the New York City Department of Environmental Protection ("DEP") concluded a three-way settlement with a DEP Police Officer who was suspended by DEP for 5 days without pay, valued at \$839, for using envelopes with the DEP insignia with the intent to send personal letters to New York City Council Members, urging them to support a change to the Administrative Code that would change the status of DEP police officers and provide them with greater benefits. The DEP Police Officer acknowledged that her conduct violated the City's conflicts of interest law, which prohibits a public servant from using City resources for any non-City purpose. *COIB v. Tangredi*, COIB Case No. 2008-434 (2009).

The Board fined a New York City Department of Education ("DOE") teacher \$1,000 for selling a small self-composed framed poem to the parent of a student from her school and attempting to sell five self-composed framed poems to the parent of another student in her class, some of which conduct was done on DOE time. The teacher 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 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 time for any non-City purpose. *COIB v. Murrell*, COIB Case No. 2008-481 (2009).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a DOHMH Associate Public Health Sanitarian who used DOHMH letterhead for the personal purpose of sending a "Letter of Sponsorship" to the Visa Officer at the British High Commission in Nigeria for an individual who was planning to study at the West London College of Business & Management. This use of DOHMH letterhead was done without the knowledge or consent of the DOHMH Commissioner. The DOHMH Associate Public Health Sanitarian acknowledged that his use of City letterhead violated the City's conflicts of interest law, which prohibits a public servant for using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. The DOHMH Associate Public Health Sanitarian agreed to a five-day suspension and the forfeiture of ten days of annual leave, for a total penalty of \$3,104, to be imposed by DOHMH. This penalty was for both the above-described violation and additional violations by the Associate Public Health Sanitarian of the DOHMH Standard of Conduct Rules unrelated to the City's conflicts of interest law. *COIB v. Teriba*, COIB Case No. 2008-719 (2009).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a DOHMH Clerical Associate who, while on City time, used City resources to do perform work related to his outside business, a jazz band. The DOHMH Clerical Associate admitted that, on numerous occasions when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to perform work related to his jazz band, for which work he was compensated. He acknowledged

that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Clerical Associate agreed to a three-day suspension and the forfeiture of three days of annual leave, which has the total approximate value of \$676, to be imposed by DOHMH. *COIB v. Conton*, COIB Case No. 2008-921 (2009).

The Board concluded a settlement with a Deputy Director for the Department of Parks and Recreation ("Parks") who used a City-owned vehicle without authorization from Parks to do personal errands on the weekend and a Parks-issued E-ZPass for personal purposes on thirteen occasions, which cost the City \$52. The Deputy Director acknowledged that he violated the City's conflicts of interest law, which prohibits a public servant from using City resources for a non-City purpose. As a result of the same misconduct, the Deputy Director had previously entered into a stipulation of settlement with Parks whereby he agreed to pay an \$11,000 fine to Parks and to accept a demotion from the position of Director to Deputy Director. The Board took the Agency disciplinary action into consideration and did not seek a separate, additional fine. *COIB v. Brenner*, COIB Case No. 2008-716 (2009).

The Board adopted the Report and Recommendation of Administrative Law Judge ("ALJ") Kevin F. Casey at the Office of Administrative Trials and Hearings ("OATH"), issued after a full trial of this matter on the merits, that, while employed by the New York City Department of Education ("DOE"), a then-Assistant Principal misused her position by using funds from the general school fund account for her own personal financial gain. The Board found that, while employed by DOE, during the 2003-2004 school year, the former Assistant Principal was placed in charge of her school's general school fund account, on deposit at Fleet Bank. In the spring of 2004, the Assistant Principal was given approximately \$8,565 in cash, consisting largely of funds contributed by the parents of her school's fifth-grade students to cover fifth-grade graduation and trip expenses. The Assistant Principal failed to deposit approximately \$2,460 of this money, and then, over the course of the year, used approximately \$4,224 for non-City purposes, including cash withdrawals and debit card purchases for personal clothing at Loehmann's and Century 21 Department Store, among other places. The Assistant Principal claimed that she had made deposits to reimburse the general school fund account for her personal withdrawals and debit card purchases, but the OATH ALJ and the Board rejected her claims as unsupported by reliable evidence and thus not credible. The OATH ALJ found, and the Board adopted as its own findings, that the Assistant Principal's conduct violated the City's conflicts of interest law, which prohibits a public servant from using his or her City position for private financial gain and from using a City resources, such as school funds, for any non-City purpose. The Board fined the former Assistant Principal \$7,500. *COIB v. Bryan*, COIB Case No. 2005-748 (2008).

The Board and the New York City Administration for Children's Services ("ACS") concluded a three-way settlement in which a Principal Administrative Associate was suspended for 30 days without pay, valued at \$3,495, and required to provide full restitution to ACS of \$290.80, for using ACS transportation vouchers to pay for a car service to transport her from work to her private residence without authorization from ACS, resulting in a \$290.80 bill to ACS. The Principal Administrative Associate acknowledged that her conduct violated the City's conflicts of interest law,

which prohibits a public servant from using City resources for any non-City purpose. *COIB v. Wiltshire*, COIB Case No. 2008-604 (2008).

The Board fined the former Director of the Forensic Biology Department of the Office of the Chief Medical Examiner (“OCME”) \$2,500 for using City resources and his City position to perform work related to a private consulting venture. The former Director acknowledged that when he was still employed by OCME, he used OCME facilities – a City resource – to engage in a number of substantive conversations, with an OCME colleague and others, about the creation of a private consulting firm. He also has several substantive conversations about this private consulting firm with representatives of an OCME vendor, specifically about the prospect of the OCME vendor doing business with his private consulting firm. 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. 2008-478a (2008).

The Board fined the Deputy Assistant Director for Technical Services at the New York City Housing Authority (“NYCHA”) \$2,000 for performing work for his employer while on City time and using his City computer, despite having received written advice from the Board on two occasions advising him that he could not use City time or City resources for any outside employment. (The amount of the fine imposed by the Board reflected the fact that, although the use of City time and resources was limited, the Deputy Assistant Director had been twice notified by the Board in writing that this conduct is prohibited by the conflicts of interest law.) The NYCHA Deputy Assistant Director acknowledged that, while he worked for NYCHA, he also had a part-time position for Gotham Elevator Inspection, and had performed work for Gotham on City time and using his City computer. The Deputy Assistant Director acknowledged that this 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 letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Miraglia*, COIB Case No. 2007-813 (2008).

The Board and the New York City Department of Correction (“DOC”), in a three-way settlement, fined an attorney in the DOC Office of Trials and Litigation \$1,800 for, while on City time, using his City computer to store and edit documents related to his private law practice. The DOC attorney acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from using City resources or City time to pursue non-City activities. *COIB v. Bryk*, COIB Case No. 2008-760 (2008).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which a DOHMH Associate Staff Analyst was suspended for six days without pay, valued at \$1,563, for using her City computer and City e-mail during her City work hours to send several e-mail messages to DOHMH employees and vendors promoting her online clothing store. The Associate Staff Analyst 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, 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 time and resources to pursue private activities. *COIB v. Ng-A-Qui*, COIB Case No. 2008-352 (2008).

The Board fined a former New York City Human Resources Administration (“HRA”) Principal Administrative Assistant \$1,500 for accessing HRA’s computer database to view his child support case and for misappropriating funds from his child support case. The Principal Administrative Assistant acknowledged that from in or around June 2004 through January 2007, he used his HRA username and password on twenty occasions to view his child support case on the HRA Child Support database without authorization. The Principal Administrative Assistant further acknowledged that on June 16, 2004, and December 20, 2006, he accessed his HRA child support case and falsely indicated that he was owed a refund from the HRA Office of Child Support for overpayment of child support, which caused HRA to issue him a refund check for the amount of his child support payments, funds that he subsequently repaid only in part. The Principal Administrative Assistant admitted 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 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 resources, such as City money, for any non-City purpose. *COIB v. Soto*, COIB Case No. 2007-261 (2008).

The Board fined a former New York City Department of Education (“DOE”) teacher \$1,500 for working for his outside employer during his City work hours. The DOE teacher acknowledged that, on twenty-one occasions from in or around February 2006 through May 2007, he left prior to the end of his scheduled teaching hours in order to work for at his second job as a baseball coach. The teacher further acknowledged that in or around May 2007, on two occasions, he called in sick to DOE and on the same day reported to work for his outside employer. The teacher acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time to pursue non-City activities. *COIB v. DeFabbia*, COIB Case No. 2007-670 (2008).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a DOHMH Clerical Associate III who, while on City time, used City resources to do work on her private writing, which writing she intended to be commercially published. The DOHMH Clerical Associate admitted that, on numerous occasions when she was supposed to be doing work for DOHMH, she used a City computer and her DOHMH e-mail account to engage in activities related to the writing, editing, and possible publication of multiple works of fiction. She acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Clerical Associate agreed to an eight-day suspension, which has an approximate value of \$1,003.76, to be imposed by DOHMH. *COIB v. Adkins*, COIB Case No. 2008-543 (2008).

The Board issued a public warning letter to a New York City Council Member who used her City Council letterhead, on which her City Council position is identified, and a City Council envelope for the non-City purpose of challenging a notice of violation that had been issued to her personal residence. 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 City resources, such as letterhead, for any non-City purpose and from using their City positions to obtain any personal advantage for themselves or for any person or firm with which they are associated. *COIB v. Gonzalez*, COIB Case No. 2008-501 (2008).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Competitive Stock Worker who used City time and City resources to pursue private activities related to the operation of a not-for-profit organization with which the Competitive Stock Worker held a position. The Competitive Stock Worker admitted that, on numerous occasions when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to engage in activities related to the operation of a not-for-profit organization that he served as Vice President. He acknowledged that his use of City time and City resources was beyond the *de minimis* amount permitted by the City of New York's Policy on Limited Personal Use of City Office and Technology Resources (also known as the "Acceptable Use Policy") and that his conduct thus violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Competitive Stock Worker agreed to a five work-day fine, which has an approximate value of \$623, to be imposed by DOHMH. *COIB v. Wordsworth*, COIB Case No. 2008-585 (2008).

The Board and the New York City Department of Health and Mental Hygiene ("DOHMH") concluded a three-way settlement with a Public Records Aide who used City time and City resources to engage in activities related to his private business. The Public Records Aide admitted that he used a DOHMH computer and his DOHMH e-mail account to send and receive e-mail correspondence related to his outside work promoting and planning entertainment events. The Public Records Aide acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. The Public Records Aide agreed to a five work-day fine, which has an approximate value of \$550, to be imposed by DOHMH. *COIB v. Miller*, COIB Case No. 2008-536 (2008).

The Board issued a public warning letter to a Forensic Anthropologist at the New York City Office of the Chief Medical Examiner ("OCME") who used City time and City resources – specifically his OCME telephone, computer, and e-mail – in furtherance of his work on three commercial academic books. The Chief Medical Examiner at OCME had previously sought the Board's advice as to whether, among other things, the Forensic Anthropologist could contract to write books with two different publishers in light of his OCME position, and the Board advised that such work was permissible, provided that the Forensic Anthropologist not perform such work on OCME time or using OCME resources. The Board determined not to pursue further enforcement action in light of the fact that the Forensic Anthropologist reported his own conduct to the Board. The Board further 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 City time or City resources for the non-City purpose of pursuing any outside employment or financial interest. *COIB v. Adams*, COIB Case No. 2008-370 (2008).

The Board and the New York City Department of Sanitation (“DSNY”) concluded a three-way settlement in which a Sanitation Worker was suspended for 4 days without pay, valued at \$974, and fined 26 work days, valued at \$6,332, for working for his outside employer on City time while wearing his DSNY uniform. The Sanitation Worker acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Passaretti*, COIB Case No. 2008-217 (2008).

The Board and the New York City Department of Sanitation (“DSNY”) concluded a three-way settlement with a Sanitation Worker who received a thirty work-day fine, valued at \$7,307, to be imposed by DSNY, for working for his outside employer while on City time and using a DSNY vehicle. The Sanitation Worker admitted that he engaged in outside employment as a private security supervisor during his scheduled tour of duty with DSNY and while using his DSNY vehicle. The Sanitation Worker acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City time and City resources to pursue private activities. *COIB v. Lowry*, COIB Case No. 2008-295 (2008).

The Board and the New York City Department of Sanitation (“DSNY”) concluded fifty-two three-way settlements with Sanitation Workers, and the Board concluded two separate settlements with former Sanitation Workers, who, while on City time and using their DSNY trucks, collected scrap metal for their private benefit. Scrap metal is a valuable recyclable that DSNY collects as part of the City-wide recycling program and for which DSNY has contracted with a private entity to accept, process, and/or sell. Instead of collecting this valuable recyclable for the City, the fifty-four Sanitation Workers sold the scrap metal for their personal benefit. Each Sanitation Worker 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 and from using City time or City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. The Board and DSNY, in their three-way settlements, fined each of the fifty-two Sanitation Workers a suspension of five to thirty days, valued at \$892 to \$7,410, to be imposed by DSNY. The Board, in its separate settlements, fined the two former Sanitation Workers \$1,500 each. *COIB v. Arzuza*, COIB Case No. 2007-436 (2008), *COIB v. Baerga*, COIB Case No. 2007-436a (2008), *COIB v. Baldi*, COIB Case No. 2007-436b (2008), *COIB v. Barone*, COIB Case No. 2007-436c (2008), *COIB v. Belluci*, COIB Case No. 2007-436d (2008), *COIB v. Bostic*, COIB Case No. 2007-436e (2008), *COIB v. Bracone*, COIB Case No. 2007-436f (2008), *COIB v. Branaccio*, COIB Case No. 2007-436g (2008), *COIB v. Carmenaty*, COIB Case No. 2007-436h (2008), *COIB v. Castro*, COIB Case No. 2007-436i (2008), *COIB v. Cato*, COIB Case No. 2007-436j (2008), *COIB v. Colorundo*, COIB Case No. 2007-436k (2008), *COIB v. Congimi*, COIB Case No. 2007-436l (2008), *COIB v. Cutrone*, COIB Case No. 2007-436m (2008), *COIB v. Damers*, COIB Case No. 2007-436n (2008), *COIB v. Desanctis*, COIB Case No. 2007-436o (2008), *COIB v. Dixon*, COIB Case No. 2007-436p (2008), *COIB v. Drogler*, COIB Case No. 2007-436q (2008), *COIB v. Gallo*, COIB Case No. 2007-436r (2008), *COIB v. Garcia*, COIB Case No. 2007-436s (2008), *COIB v. Georgios*, COIB Case No. 2007-436t (2008), *COIB v. Grey*, COIB Case No. 2007-436u (2008), *COIB v. Harley*, COIB Case No. 2007-436v (2008), *COIB v. Hayden*, COIB Case No. 2007-436w (2008), *COIB v. Jaouen*, COIB Case No. 2007-436x (2008), *COIB v. Kane*, COIB Case No. 2007-436y (2008), *COIB v. Keane*, COIB Case No. 2007-436z (2008), *COIB v. Kopczynski*, COIB Case No. 2007-436aa (2008), *COIB v. Lagalante*, COIB Case No. 2007-436bb (2008), *COIB v. Lampasona*,

COIB Case No. 2007-436cc (2008), *COIB v. La Rocca*, COIB Case No. 2007-436dd (2008), *COIB v. La Salle*, COIB Case No. 2007-436ee (2008), *COIB v. MacDonald*, COIB Case No. 2007-436ff (2008), *COIB v. A. Mann*, COIB Case No. 2007-436gg (2008), *COIB v. C. Mann*, COIB Case No. 2007-436hh (2008), *COIB v. Mastrocco*, COIB Case No. 2007-436ii (2008), *COIB v. McDermott*, COIB Case 2007-436 jj (2008), *COIB v. McMahon*, COIB Case No. 2007-436kk (2008), *COIB v. A. Morales*, COIB Case No. 2007-436ll (2008), *COIB v. J. Morales*, COIB Case No. 2007-436mm (2008), *COIB v. Moscarelli*, COIB Case No. 2007-436nn (2008), *COIB v. Prendergrast*, COIB Case No. 2007-436oo (2008), *COIB v. Puhi*, COIB Case No. 2007-436pp (2008), *COIB v. Ruocco*, COIB Case No. 2007-436qq (2008), *COIB v. Smith*, COIB Case No. 2007-436rr (2008), *COIB v. Stephenson*, COIB Case No. 2007-436ss (2008), *COIB v. Sterbenz*, COIB Case No. 2007-436tt (2008), *COIB v. Taylor*, COIB Case No. 2007-436uu (2008), *COIB v. Torres*, COIB Case No. 2007-436vv (2008), *COIB v. Valerio*, COIB Case No. 2007-436ww (2008), *COIB v. Wallace*, COIB Case No. 2007-436xx (2008), *COIB v. Williams*, COIB Case No. 2007-436yy (2008), *COIB v. Zaborsky*, COIB Case No. 2007-436zz (2008), *COIB v. Guifre*, COIB Case No. 2007-436ab (2008), *COIB v. Sullivan*, COIB Case No. 2007-436ac (2008), *COIB v. Pretakiewicz*, COIB Case No. 2007-436ae (2008).

The Board fined a New York City Department of Environmental Protection (“DEP”) Architect \$1,000 for using his DEP computer, e-mail, and telephone to communicate with employees of the New York City Department of Parks and Recreation (“Parks”) on behalf of a not-for-profit organization with which he volunteered and for allowing his DEP e-mail address to be posted on the not-for-profit’s website as his contact information. The Architect further acknowledged that he met with Parks employees, who knew he worked for DEP, on behalf of the not-for-profit. The Architect acknowledged that by using his DEP computer, e-mail, and telephone to communicate with Parks employees on behalf of the not-for-profit, allowing his DEP e-mail address to be posted as his contact information for the not-for-profit, and meeting with Parks employees on behalf of the not-for-profit, he violated the City’s conflicts of interest law, which prohibits a public servant for using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose and prohibits a City employee from representing private interests before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City. *COIB v. Harrington*, COIB Case No. 2008-025 (2008).

The Board fined the former Director of the Call Center for the New York City Department of Health and Mental Hygiene (“DOHMH”) \$7,500 for, among other things, performing work for a not-for-profit organization for which she served as an unpaid Member and Vice-Chair of the Board of Directors— and in that capacity had often functioned as the organization’s *de facto* (although unpaid) Executive Director – while on City time and using City resources, such as her DOHMH computer, e-mail account, and telephone. The former Director further acknowledged that she performed a substantial amount of work for the organization, both related and unrelated to its business dealings with the City and DOHMH, on City time using her DOHMH telephone, computer, and e-mail account. The former Director acknowledged that this conduct violated the conflicts of interest law’s prohibition against using City time or City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Harmon*, COIB Case No. 2007-774 (2008).

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’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’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’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 personnel or City resources for any non-City purpose. *COIB v. Schlein*, COIB Case No. 2006-350 (2008).

The Board fined an Assistant Commissioner for the New York City Fire Department (“FDNY”) \$2,000 for misusing City resources and personnel for private purposes. The Assistant Commissioner, in charge of the FDNY’s Bureau of Fleet and Technical Services, acknowledged that he purchased a motorcycle on-line and then had it delivered to a subordinate in the Fleet Services Division, who repaired the motorcycle on nights and weekends, without compensation, and then asked a second subordinate of the Assistant Commissioner in the Fleet Services Division to assist the first subordinate in transporting the motorcycle from the first subordinate’s house to the New York State Division of Motor Vehicles (“DMV”), handling the DMV inspection, and then transporting the motorcycle to the Assistant Commissioner’s house. The Assistant Commissioner also admitted to asking the second subordinate to repair his motorcycle, without compensation, on two other occasions. The Assistant Commissioner 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, and prohibits a public servant from using City personnel for any non-City purpose. *COIB v. Basile*, COIB Case No. 2007-138 (2007).

The Board fined a former Chief of Staff to a City Council Member \$1,000 for using City resources and personnel in connection with that Council Member’s reelection campaign. The former Chief of Staff acknowledged that he asked members of the Council Member’s District Office staff to volunteer for the Council Member’s reelection campaign. The former Chief of Staff further acknowledged that he used City supplies and equipment, including his District Office computer, printer and paper, to work on the reelection campaign. The former Chief of Staff 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. *COIB v. Speiller*, COIB Case No. 2003-785a (2007).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement in which an HRA Associate Staff Analyst was suspended for 30 days without pay, valued at \$4,550, for using his City computer to do work for his private real estate business during his City work hours. The Associate Staff Analyst acknowledged that, from September through November 2005, he used his HRA office computer to do work for his private real estate business, while on City time. The Associate Staff Analyst acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits a public servant from using City resources, such as one’s City computer, for any non-City purpose. *COIB v. Tulce*, COIB Case No. 2007-039 (2007).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement with a DOHMH Community Associate, who used his position to promote his mother’s business and to make his own sales of child safety equipment, in violation of the City’s conflicts of interest law and DOHMH’s Standards of Conduct Rules. The Community Associate acknowledged that at DOHMH-sponsored orientation sessions that he conducted, he

referred prospective Family Day Care Center (“FDC”) providers to a training program run by a company owned and operated by his mother. On occasion, after these DOHMH-sponsored training sessions, the Community Associate would sell child safety equipment to prospective FDC providers and distribute his equipment supply list to them. Additionally, the Community Associate used his City computer and City e-mail account to send e-mails on City time to promote his mother’s company. The Community Associate acknowledged that this conduct violated the City’s conflicts of interest law and DOHMH’s Standard of Conduct Rules, which prohibit 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 from using City resources or City time for any non-City purpose. Given that the Community Associate had been previously warned that this conduct violated that City’s conflicts of interest law, the Board and DOHMH imposed the following penalties: (a) \$2,000 fine; (b) 21-day suspension, valued at \$1,971; (c) reassignment to another position at DOHMH; (d) placement on probation for one year; and (e) agreement that any further violation of the City’s conflicts of interest law while at DOHMH will result in immediate termination. *COIB v. Lastique*, COIB Case No. 2003-200 (2007).

The Board adopted the Report and Recommendation of Administrative Law Judge Alessandra Zorgniotti at the Office of Administrative Trial and Hearings (“OATH”), issued after a full trial of this matter on the merits, that a former Human Resources Administration (“HRA”) Captain used an HRA vehicle for personal travel on numerous instances including during his City work hours. The OATH ALJ found, and the Board adopted as its own findings, that between October 2003 and June 2004, the HRA Captain misused a City van on various occasions for personal travel by logging excessive mileage on the van both during and after work hours. The former HRA Captain’s misuse of his City van included traveling over 400 miles on personal business, logging excessive mileage for travel between work locations, receiving a ticket while using his City van after work hours, using his City van to travel to Court on City time to defend the ticket he received while not on agency-related business, and being involved in a motor vehicle accident while using his City van on a vacation day. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City’s conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose and from pursuing non-City business on City time. The Board fined the former HRA Captain \$5,000. *COIB v. Allen*, COIB Case No. 2006-411 (2007).

The Board and the New York City Administration for Children’s Services (“ACS”) concluded a three-way settlement in which an ACS Community Coordinator was suspended for five days without pay, valued at \$896, for using an ACS conference room to hold a meeting on behalf of his private business. The Community Coordinator acknowledged that, in or around November 9, 2006, he used an ACS conference room to hold a meeting concerning his private business. The Community Coordinator acknowledged that this conduct violated the City’s conflicts of interest law, which, among other things, prohibits a public servant from using City resources, such as an agency’s conference room, for any non-City purpose. *COIB v. Graham*, COIB Case No. 2007-016 (2007).

The Board fined a New York City Housing Authority (“NYCHA”) Administrative Housing Superintendent \$500 for writing a letter on NYCHA letterhead to the New York City Police Department (“NYPD”) in support of the application of a fellow NYCHA employee to annul the revocation by the NYPD of the fellow employee’s pistol license and rifle/shotgun permit. The Administrative Housing Superintendent acknowledged that his use of City letterhead violated the

City's conflicts of interest law, which prohibits a public servant for using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose, and prohibits a City employee from representing private interests before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City. *COIB v. Lucido*, COIB Case No. 2007-362 (2007).

The Board issued public warning letters to 17 employees of the New York City Department of Sanitation ("DSNY"), the majority of whom are supervisors, and one Nurse with the New York City Department of Education ("DOE"), who used City letterhead to write personal letters in support of a DSNY District Superintendent who was scheduled to be sentenced for a felony drug charge. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 of the City Charter prohibits a public servant from using any City resource, including City letterhead, personnel, equipment, or supplies, for any non-City purpose. *COIB v. Cala*, COIB Case No. 2007-187 (2007); *COIB v. Delfino*, COIB Case No. 2007-187a (2007); *COIB v. Herbst*, COIB Case No. 2007-187b (2007); *COIB v. McNatt*, COIB Case No. 2007-187d (2007); *COIB v. Priester*, COIB Case No. 2007-187d (2007); *COIB v. Romeo*, COIB Case No. 2007-187e (2007); *COIB v. Corbett*, COIB Case No. 2007-187f (2007); *COIB v. Grasso*, COIB Case No. 2007-187g (2007); *COIB v. Lanni*, COIB Case No. 2007-187h (2007); *COIB v. Murray*, COIB Case No. 2007-187i (2007); *COIB v. Pugliese*, COIB Case No. 2007-187j (2007); *COIB v. Walz*, COIB Case No. 2007-187k (2007); *COIB v. D'Angelo*, COIB Case No. 2007-187l (2007); *COIB v. Green*, COIB Case No. 2007-187m (2007); *COIB v. Lorenzo*, COIB Case No. 2007-187n (2007); *COIB v. Portee*, COIB Case No. 2007-187o (2007); *COIB v. Quinn*, COIB Case No. 2007-187p (2007); and *COIB v. Mallette*, COIB Case No. 2007-188 (2007).

The Board fined a Staff Analyst with the New York City Human Resources Administration ("HRA") \$500 for conducting his private business on City time. The Staff Analyst acknowledged that by selling a co-worker a plane ticket, providing her with a trip itinerary, and making calls to an outside tour company on City time, he 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. *COIB v. Greenidge*, COIB Case No. 2006-462 (2007).

The Board and the New York City Human Resources Administration ("HRA") concluded a three-way settlement in which an HRA Administrative Staff Analyst was fined 30-days' pay, valued at \$7,742, for using her City computer and telephone to do work for her private real estate business during her City work hours. The Administrative Staff Analyst acknowledged that, from September 2005 through September 2006, she used her HRA office computer and telephone to do work for her private real estate business, while on City time. The Administrative Staff Analyst acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a 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, such as one's City computer, for any non-City purpose. *COIB v. Glover*, COIB Case No. 2007-056 (2007).

The Board and the New York City Department of Design and Construction ("DDC") concluded a three-way settlement with a DDC Administrative Architect for using City time and resources to perform work for his private architectural business, in violation of Chapter 68 of the New York City Charter and DDC Rules and Procedures. The DDC Administrative Architect acknowledged that, from June 1997 through June 2004, he used his City telephone while on City time

to make over 2,000 calls related to a private architectural practice that he owned and operated. The DDC Administrative Architect acknowledged that this 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, or supplies for any non-City purpose. The Board and DDC fined the DDC Administrative Architect \$2000, and he agreed to retire from City and DDC employment effective July 31, 2007. *COIB v. Cetera*, COIB Case No. 2005-200 (2007).

The Board concluded a settlement with a City Council Member who expressly allowed his administrative assistant, a City Council employee, to type a poem for his daughter, while on City time and using a City computer, and who asked his administrative assistant, while on City time and using a City telephone, to make calls on a number of occasions to the parents of his daughter's soccer team regarding the scheduling of practices or games. The Council Member 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, and prohibits a public servant from using City personnel for any non-City purpose. In recognition of the limited nature of the violation, and under the particular and limited circumstances of this case, the Board agreed not to seek the imposition of a fine for the violation and further, pursuant to City Charter § 2603(h)(3), recommended to the City Council that the Council impose no penalty for the violation. *COIB v. McMahon*, COIB Case No. 2007-098 (2007).

The Board concluded a settlement with a City Council Member's Chief of Staff who asked the office's administrative assistant, a City Council employee, to make photocopies and paper cut outs related to the preparation of materials for school lesson plans of his girlfriend, a teacher for the New York City Department of Education, while on City time and using City resources. The Chief of Staff acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from using City personnel for any non-City purpose. In recognition of the limited nature of the violation, and under the particular and limited circumstances of this case, the Board agreed not to seek the imposition of a fine for the violation and further, pursuant to City Charter § 2603(h)(3), recommended to the City Council that the Council impose no penalty for the violation. *COIB v. Mitchell*, COIB Case No. 2007-098a (2007).

The Board issued a public warning letter to an Assistant Principal for the Department of Education ("DOE") for submitting a proposal for universal pre-kindergarten services to the DOE in response to a DOE Request for Proposals in her capacity as pastor for a private ministry, and listing her DOE e-mail address as part of her contact information. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 of the City Charter prohibits a public servant from submitting a contract proposal on behalf of a private interest, including a ministry, to any City agency, and also prohibits a public servant from using his or her City e-mail address on behalf of any private interest. *COIB v. Layne*, COIB Case No. 2006-065 (2007).

The Board fined a Custodial Supervisor for the New York City Human Resources Administration ("HRA") \$500 for having multiple items of electronic equipment that he had purchased for personal use delivered to his HRA office, stored those items in his HRA office, and had HRA employees carry the electronic equipment to and from his HRA office while on City time. He acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public

servant from using City time or City resources such as letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Bassy*, COIB Case No. 2006-554 (2007).

The Board issued a \$500 fine to the former Executive Director for the New York City Teachers' Retirement System ("TRS") who, over an eleven-month period, allowed his daughter to use his TRS-issued cell phone, resulting in overage costs to TRS in the aggregate amount of approximately \$450. When these overage costs were brought to his attention, the Executive Director reimbursed TRS in full. The former Executive Director acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. *COIB v. Kessock*, COIB Case No. 2003-752 (2007).

The Board issued a \$500 fine to an Associate Staff Analyst for the New York City Department of Correction ("DOC") who was employed, without DOC authorization, by a company owned by his wife. The Associate Staff Analyst sold Polaroid film on behalf of his wife's company to a sales representative whom he met through his DOC position, and used DOC fax machines and telephones to place orders for Polaroid film on behalf of his wife's company. The Associate Staff Analyst 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, resources, or supplies for any non-City purpose. *COIB v. Lepkowski*, COIB Case No. 2006-519 (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'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 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's conflicts 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 \$2,000. *COIB v. Russo*, Case No. 2001-494 (2007).

The Board fined a former Administrative Staff Analyst for the New York City Housing Authority ("NYCHA") \$2,000 for using City time and resources to perform work for several not-for-profit organizations unrelated to her NYCHA employment. The former Administrative Staff Analyst acknowledged that, over a six-month period, she made and received over 1,500 telephone calls on her NYCHA telephone, during City time, and, over a four-month period, sent and received over 380 e-

mails using her NYCHA e-mail account, also during City time, connected with her work for a number of not-for-profit organizations unrelated to her City employment. She acknowledged that this 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. Tarazona*, COIB Case No. 2006-064 (2007).

The Board and the New York City Department of Design and Construction ("DDC") concluded a three-way settlement with a DDC Project Manager for performing work for a private employer while on City time and for making false entries on DDC timesheets and expense reports. The DDC Project Manager acknowledged that he held a part-time job for a private employer, for which he had not obtained DDC permission, and acknowledged that he performed work for that private employer while on City time, in violation of 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. The DDC Project Manager further acknowledged that he had made false entries onto DDC timesheets and DDC monthly personal expense forms, for the purpose of obtaining reimbursement for travel expenses which he did not incur, in violation of DDC Rules and Procedures. The Board and DDC fined the DDC Project Manager 18 days of annual leave, valued at approximately \$1,000, an additional \$1,000, and he agreed to retire from City and DDC employment no later than February 28, 2007. *COIB v. Bayer*, COIB Case No. 2006-635 (2007).

The Board fined a former Manhattan Borough Administrator for the New York City Housing Authority ("NYCHA") \$500 for using her position as the Manhattan Borough Administrator for the Polo Grounds Community Center to obtain private exercise sessions from a physical fitness consultant hired by NYCHA at the gym located in the Community Center at hours when the Center's gym was not otherwise open. She acknowledged that this conduct violated the City'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 letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Aquino*, COIB Case No. 2002-458 (2007).

The Board issued a public warning letter to a member of Community Board 2 in the Bronx ("CB 2") who was also employed as a consultant for a private company, and chaired a meeting of the CB 2 Health and Human Services/Environmental Committee, before which Committee matters involving her private employer regularly appeared, and were on the agenda on the date that the CB 2 member chaired the Committee meeting, although none of those matters were in fact discussed. While not pursuing further enforcement action, the Board took the opportunity to remind community board members that they must comply with City's conflicts of interest law, particularly the prohibition against chairing committees which are likely to consider matters that concern the community board member's private interests or employment. *COIB v. Alvarado-Sorin*, COIB Case No. 2003-775 (2007).

The Board fined a New York City Department of Education ("DOE") secretary \$500 for printing a form letter to facilitate fingerprinting as part of her son's application for employment with the DOE on DOE letterhead, using a DOE printer, forging her principal's signature on the letter, and then faxing the letter using a DOE fax machine to the DOE Office of Personnel. The

DOE secretary 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 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 child, and prohibits a public servant for using City letterhead, personnel, equipment or supplies for any non-City purpose. *COIB v. Diaz*, COIB Case No. 2005-685 (2006).

The Board issued a public warning letter to a former Deputy Chief of Staff for the City Council who accompanied a landlord, with whom he had a prior business relationship, to meet a tenant at the landlord's building to discuss the possibility of the tenant's withdrawing his complaint filed with the New York State Department of Housing and Community Renewal against the landlord and, at the end of the discussion, provided the tenant with his City Council business card and the telephone number of a colleague at City Council where the former Deputy Chief of Staff could be reached. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that the City Charter prohibits the use of City resources – including a City business card and City telephone numbers – for a non-City purpose. *COIB v. Nieves*, COIB Case No. 2005-470 (2006).

The Board and the New York City Human Resources Administration (“HRA”) concluded a three-way settlement in which an HRA civil service caseworker was suspended for 45 workdays, valued at approximately \$6,224, for using her HRA cell phone to make excessive personal calls. The caseworker made calls on her HRA cell phone totaling approximately \$2,422 from November 2003 through March 2004, and approximately \$1,829 from April 2004 through June 2004. Of that amount, the caseworker only repaid HRA \$450. The caseworker acknowledged that her conduct violated the New York City's conflicts of interest laws, which prohibit a public servant from using his or her position as a public servant to obtain any financial gain for the public servant or any person or firm associated with the public servant; pursuing personal and private activities during times when the public servant is required to perform services for the City; or using City letterhead, personnel, equipment, resources, or supplies for non-City purposes. *COIB v. Tyner*, COIB Case No. 2006-048 (2006).

The Board fined an investigator for the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) \$1,500 for giving a photocopy of his SCI shield and identification to a friend for the friend's use in the event that he was arrested. The investigator admitted that he gave a copy of his SCI credentials to a friend, whom he referred to as his brother-in-law, on which copy the investigator wrote: “Could you please extend courtesy to my brother-in-law Thank you.” In 2005, the investigator's friend was arrested in New York City and the arresting officer found the photocopy of the investigator's credentials in his friend's wallet. The investigator also introduced himself as an SCI investigator in a conversation with the New York City Police Department concerning his friend's arrest. City public servants, particularly those who serve the City in law enforcement and quasi-law enforcement capacities, are prohibited from abusing the powers that are vested in them as part of their official duties and the *indicia* of those powers, such as a shield and identification issued by the City, for any non-City purpose. *COIB v. Vance*, COIB Case No. 2005-146 (2006).

The Board and the Department of Design and Construction (“DDC”) concluded a settlement with a DDC Project Manager who admitted that from January 2004 to September 2004, he made or received over 2,000 calls on his DDC telephone. These calls were mostly conference calls related to his private business. The Project Manager also admitted that he used City resources to produce business flyers on which he listed his DDC telephone number. He acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from misusing City time and resources for any non-City purpose, and agreed to pay a fine of \$3,000 to the Board and to serve a 25-day suspension without pay, which is worth another \$3,000. *COIB v. Carroll*, COIB Case No. 2005-151 (2005).

The Board fined a former school custodian at the Department of Education (“DOE”) \$1,000 for using personnel and equipment paid for by DOE for his private business. For nearly two years while he was working as a school custodian, the custodian was the director of a private entity that offers tutoring services to law students. On several occasions, the custodian directed his secretary, who was paid with DOE funds, to type and edit documents, using DOE equipment, related to his private business. His secretary performed this work during times when she was required to work on matters relating to custodial services for the school. The custodian also used a DOE telephone in the custodian’s office during his DOE workday to make telephone calls related to his private business. The custodian acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from misusing City time and resources for any non-City purpose. *COIB v. Powery*, COIB Case No. 2004-466 (2005).

The Board concluded a settlement with a former Department of Education (“DOE”) Local Instructional Superintendent in Region 2, who, using a DOE computer, e-mailed his brother’s resume to all principals in Region 2, including principals whom he supervised. One of the principals complained about the e-mail to the superintendent’s DOE superior. The superintendent’s brother was offered an interview because of the e-mail circulated among the principals in Region 2, but did not pursue the employment opportunity. Approximately three months before the superintendent e-mailed his brother’s resume to his DOE subordinates, DOE Chancellor Joel I. Klein had circulated throughout DOE a newsletter entitled “The Principals’ Weekly,” in which the Chancellor reminded DOE employees and officials that the City’s conflicts of interest law and the Chancellor’s Regulations prohibit DOE employees from having any involvement with the hiring, employment, or supervision of relatives. The superintendent acknowledged that his conduct violated the New York City conflicts of interest law, which prohibits public servants from misusing City time and resources for any non-City purpose and from taking advantage of their City position to benefit someone with whom the public servant is associated. The City Charter defines a brother as a person who is associated with a public servant. The Board fined the superintendent \$1,000, which took into account the fact that he had tried to recall his e-mail when advised that someone had complained and that he self-reported his conduct to the Board. *COIB v. Genao*, COIB Case No. 2004-515 (2005).

The Board fined a Department of Sanitation (“DOS”) electrical engineer \$2,000 for using City time and his DOS computer to store and maintain inspection reports and client files related to his private building inspection and consulting services business. The Engineer maintained on his DOS computer folders that contained files relating to his private business for each year from 1995 to 2002. The eight folders contained an average of one hundred and thirty-seven files,

which files the engineer edited on a regular basis, sometimes during his City workday. The engineer acknowledged that his conduct violated the City's conflicts of interest law, which prohibits public servants from misusing City time and resources for any non-City purpose. The Board fined the engineer \$2,000 after taking into consideration his forfeiture of \$3,915 worth of leave time to DOS in an agency disciplinary proceeding. *COIB v. Thomas*, COIB Case No. 2003-127 (2005).

The Board fined a Deputy Commissioner at the Office of Emergency Management ("OEM") \$3500 for hiring his girlfriend to work on an OEM project that he supervised. The Deputy Commissioner oversaw the creation and production of OEM's "Ready New York" household preparedness guide, and proposed that OEM obtain the services of a photographer to take photographs for use in the guide. The photographer who was selected was the Deputy Commissioner's girlfriend, and the Deputy Commissioner approved and signed the OEM purchase form relating to obtaining the photography services of his girlfriend. The Deputy Commissioner and the photographer had a financial relationship that included a joint bank account and co-ownership of shares in a cooperative apartment. *COIB v. Berkowitz*, COIB Case No. 2004-180 (2004).

The Board and the Department of Education ("DOE") concluded a settlement with an Interim Acting Principal. The principal paid a \$900 fine (half to the Board and half to the DOE) for arranging with her subordinate to transport the principal's children from school on City time. The subordinate used her own vehicle, and the fine was twice the amount the principal saved on the van service she would have hired for the five months she used the subordinate to transport her children. Officials may not use City employees to perform their personal errands. *COIB v. McKen*, COIB Case No. 2004-305 (2004).

The Board concluded a settlement with a former Department of Correction Commissioner, who paid a \$500 fine for having three subordinate Correction Officers repair the leaking liner on his aboveground, private swimming pool. Two of the Officers were his personal friends for more than ten years, and they brought the third Officer, whom the Commissioner had not met before. The work was modest in scope, the subordinates did the repairs on their own time, not City time, and the Commissioner paid the two Officers he knew a total of \$100 for the work, which included replacing the liner, replacing several clamps, and re-installing the filter. The Commissioner believed that the Officers acted out of friendship, but acknowledged that he had violated the Charter provisions and Board rules that prohibit public servants from misusing or attempting to misuse their official positions for private gain, from using City personnel for a non-City purpose, and from entering into a business or financial relationship with subordinates. Officials may not use subordinates to perform home repairs. This is so even if the subordinates are longstanding friends of their supervisors, because such a situation is inherently coercive. Allowing, requesting, encouraging, or demanding such favors or outside, paid work can be an imposition on the subordinate, who may be afraid to refuse the boss or may want to curry favor with the boss in a way that creates dissension in the workplace. There was no indication here that the Commissioner coerced the Officers in this case, but it is important that high-level City officials set the example for the workforce by taking care to consider the potential for conflicts of interest. *COIB v. W. Fraser*, COIB Case No. 2002-770 (2004).

The Board concluded a settlement with the Commissioner of New York City Department of Records and Information Services (“DORIS”). The Commissioner agreed to pay a fine of \$1,000 and acknowledged that he had used DORIS records to conduct genealogy research for at least four private clients, in violation of City Charter provisions and Board Rules that prohibit public servants from using City office for private gain and from misusing City time and resources for non-City purposes. In the settlement, the Commissioner acknowledged that he violated the Board’s advice and his own written representations to the Board when he used DORIS records for private clients, by supplying them with DORIS marriage, birth, and death records or identifying information needed for such records, as well as DORIS photographs. He charged his clients \$25-\$75 per hour for his time performing archival research, primarily in the National Archives and the New York Public Library. Although his invoices did not show any breakdown of the time he devoted to searching DORIS records for private clients, the Commissioner stated that he did not charge a fee to his clients relating to DORIS records or time spent searching for DORIS records. He also acknowledged that when he sometimes deferred or waived DORIS fees in the exercise of official discretion, the “mixture of [his] private interest and [his] public duties could be construed as a conflict of interest,” given his official access to DORIS records. The Commissioner stated further that while he received fees for his private work, he never cleared a profit from his private work, and has ceased that private work and dissolved the company. The Board took the occasion of this Disposition to remind City officials to take care to separate their private business matters from their official City work and to seek Board advice if their circumstances change or the manner in which they intended to conduct their City and private jobs begins to differ from the reality of their daily work. High-level officials have a special obligation to set an example of honesty and integrity for the City workforce. *COIB v. Andersson*, COIB Case No. 2001-618 (2004).

The Board and the New York City Board of Education (“BOE”) concluded a settlement with the Executive Director of the Office of Parent and Community Partnerships at BOE. The Executive Director, who agreed to pay an \$8,000 fine, misused her City position habitually by directing subordinates to work on projects for her church and for a private children’s organization, on City time using City copiers and computers. She also had BOE workers do personal errands for her. The Executive Director admitted that over a four-year period, she had four of her BOE subordinates perform non-City work at her direction, including making numerous copies, typing, preparing financial charts and spreadsheets and a contacts list, stuffing envelopes, e-mailing, working on brochures, typing a college application for one of her children, and running personal errands for her. The subordinates performed this non-City work for her on City time and using City equipment. These subordinates believed that their jobs with the City could be jeopardized if they refused to work on her non-BOE matters. One temporary worker sometimes fell behind in his BOE work when the Executive Director directed him to make her private work a priority. BOE funded overtime payments to the temporary worker when he stayed to finish his BOE work. The Executive Director acknowledged that she violated City Charter provisions and Board Rules that prohibit public servants from misusing their official positions to divert City workers from their assigned City work and misapplying City resources for their private projects. *COIB v. Blake-Reid*, COIB Case No. 2002-188 (2002).

The Board concluded a settlement with a former New York City Department for the Aging (“DFTA”) field auditor who admitted violating the conflicts of interest law by misusing

official City letterhead to gain a private or personal advantage. Without authorization, the auditor sent a notice to a DFTA contractor, on official, City letterhead, as if from the City, threatening the vendor with litigation if the auditor were injured on the contractor's property. The auditor paid a fine of \$500. *COIB v. Silverman*, COIB Case No. 2000-456 (2002).

The Board fined former Police Commissioner Bernard Kerik \$2,500 for using three New York City police officers to perform private research for him. He used information the officers found in a book about his life that was published in November 2001. Kerik acknowledged that he had violated the Charter prohibition against using office for private advantage or financial gain and the terms of the Board's waiver letter, even though one officer, a sergeant, was a close friend of his. The Board by its waiver letter had allowed Kerik to write the autobiography under contract, but only on the condition that he not use City time or his official City position to obtain a private or personal advantage for himself or the publisher, and that he use no City equipment, personnel, or other City resources in connection with the book. The three officers used limited City time and resources in their research, and two of the officers had made five trips to Ohio for the project, each spending 14 days of their off-duty and weekend time. *COIB v. Kerik*, COIB Case No. 2001-569 (2002).

In a joint agreement with the Board of Education ("BOE"), an interim acting principal was fined \$4,000 and admitted that she had asked school aides to perform personal errands for her on school time. Specifically, she asked them to go to a New York City Marshal's Office to deliver payment of a "scofflaw" fine that had been imposed on her car, and she asked several subordinate employees to deliver a loan application on her behalf. Those employees made these trips on City time. *COIB v. Denizac*, COIB Case No. 2000-533 (2001).

The Board fined a Human Resources Administration ("HRA") First Deputy Commissioner \$8,500 for leasing his own apartments to five of his HRA subordinates and to the HRA Commissioner, for using an HRA subordinate to perform private, non-City work for him, and for using his official position to arrange for the state of Wisconsin to loan an employee to HRA and then housing that visiting consultant in his own apartment and charging and receiving \$500 for the stay, for which the City ultimately paid. The Deputy Commissioner also admitted using City equipment in furtherance of his private consulting business. Like Commissioner Turner, the Deputy Commissioner violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. *COIB v. Hoover*, COIB Case No. 1999-200 (2000).

The Board fined the Human Resources Administration ("HRA") Commissioner \$6,500 for hiring his business associate as First Deputy Commissioner of HRA, without seeking or obtaining a waiver from the Board, for using his Executive Assistant to perform tasks for Turner's private consulting company, as well as for using his City title on a fax cover sheet (on one occasion inadvertently), using City time, phone, computer, and fax machine for his private consulting work, and renting an apartment for over a year from his subordinate, the First Deputy Commissioner. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. *COIB v. Turner*, COIB Case No. 1999-200 (2000).

The Board fined a former housing inspector for working at a gas station in New Jersey at times when he was required to inspect buildings in New York. The fine was \$250, which ordinarily would have been higher, but took into account the fact that inspector John Lizzio had agreed to resign from the City's Department of Housing Preservation and Development. This was the first prosecution of abuse of City time under Board Rules § 1-13, which prohibits City employees from engaging in personal and private activities on City time, absent approval from their agency head and the Board. *COIB v. Lizzio*, COIB Case No. 2000-254 (2000).

A sewage treatment worker at the Department of Environmental Protection (“DEP”) entered into a three-way settlement with COIB and DEP in a case where he admitted using DEP equipment to service a private wastewater facility where he was moonlighting and agreed to pay an \$800 fine. *COIB v. Carlin*, COIB Case No. 1999-250 (2000).

The Board fined a former employee of the City Commission on Human Rights \$500 for using Human Rights Commission letterhead, typewriters, and office facilities for his own private clients. As a Human Rights employee, he wrote four letters on behalf of his private clients on Commission letterhead to agencies such as the U.S. Veterans Administration and a U.S. Consulate. He also listed his agency telephone number as the contact number on these letters. Finally, he admitted using his Human Rights office to meet with a private client during his City work hours to discuss the client’s case and to receive payment from the client. He admitted violating City Charter §§ 2604(b)(2) and (b)(3). The fine would ordinarily have been substantially higher, but reflected the fact that the Human Rights employee is retired and ill and has very limited financial means. *COIB v. Davila*, COIB Case No. 1994-82 (1999).

The Board fined a City manager \$1,250 for conducting a part-time private printing business from his City office; the employee was also forced to retire and forfeit 24 days of accrued annual leave. The fine was worth \$5,000, including the forfeited leave time. *COIB v. Weinstein*, COIB Case No. 1997-394 (1998).

The Board fined a Department of Buildings employee \$1,000 for using a City telephone for his private home inspection business. The employee, a City building inspector, had had business cards printed that showed his City telephone number. As a result of this case, he ceased the practice of using the phones and destroyed all the offending business cards. *COIB v. Hahn*, COIB Case No. 1998-102 (1998).

The Board fined a former Press and Speech Aide in the Mayor’s Office \$2,500 for using official City letterhead to contest a parking ticket. *COIB v. McAuliffe*, COIB Case No. 1991-214 (1994).

APPEARANCE BEFORE THE CITY ON BEHALF OF PRIVATE INTEREST

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

The Board fined a former Community Coordinator at the New York City Administration for Children's Services ("ACS") \$2,000 for using City resources and City time to perform work related to his private counseling practice and for appearing before another City agency on behalf of that practice. The former Community Coordinator admitted that, at times he was supposed to be performing work for ACS, he used his City computer and ACS e-mail account to conduct activities related to his private mental health counseling practice. The former Community Coordinator also admitted that he had submitted documentation to the New York City Department of Education ("DOE") in order to be included on a list of providers to be selected by DOE parents to provide services to their children, which services would have been paid for by DOE. The former Director acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from using City time or City resources for any non-City purpose and prohibits a public servant from appearing for compensation before any City agency. In determining the amount of the fine, the Board took into account that the former Community Coordinator had resigned from ACS while related disciplinary charges were pending. *COIB v. Belenky*, COIB Case No. 2009-297 (2009).

The Board fined a Senior Electrical Estimator for the New York City Department of Sanitation ("DSNY") \$1,000 for twice submitting bids for contracts with the New York City Department of Parks and Recreation on behalf of his private electrical company. The DSNY Senior Electrical Estimator acknowledged that his conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from appearing for compensation before any City agency. *COIB v. Qureshi*, COIB Case No. 2008-760 (2009).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement in which a former DOE Special Education Teacher was fined \$3,000 by the Board and required by DOE to irrevocably resign by August 29, 2008, for co-owning a firm engaged in business dealings with DOE and for appearing before DOE on behalf of that firm. The Special Education Teacher acknowledged that from 2001 through 2006, he co-owned A-Plus Center for Learning, Inc., a special education support services provider that was engaged in business dealings for five years with DOE. The Special Education Teacher further acknowledged that he appeared before DOE on behalf of his firm each time his firm requested payment from DOE for the tutoring services provided by his firm to DOE students. The Special Education Teacher admitted 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 is engaged in business dealings with the agency served by the public servant and prohibits a public servant from, for compensation, representing a private interest before any City agency or appearing directly or indirectly on behalf of private interests in matters involving the City. *COIB v. Bourbeau*, COIB Case No. 2007-442 (2008).

The Board fined the former Director of the Call Center for the New York City Department of Health and Mental Hygiene ("DOHMH") \$7,500 for, among other things, being directly involved in the City business dealings of a not-for-profit organization for which she served as a member and Vice-Chair of the Board of Directors. The former Director acknowledged that, in addition to her DOHMH position, she also served, since 1998, as an unpaid Member and Vice-Chair of the Board of Directors

of the not-for-profit organization and in that capacity had often functioned as the organization's *de facto* (although unpaid) Executive Director. The former Director further acknowledged that on behalf of the organization she signed three amendments to extend the terms of the organization's contract with DOHMH's agent and completed a VENDEX Questionnaire as part of an application of the organization to obtain additional contracts from DOHMH. The former Director acknowledged that this conduct violated the conflicts of interest law's prohibition against appearing on behalf of private entities in matters involving the City. *COIB v. Harmon*, COIB Case No. 2007-774 (2008).

The Board fined a former New York City Health and Hospitals Corporation ("HHC") Tumor Registrar \$7,100 for using her City position to benefit a private company (the "Company") in which she maintained a managerial interest after she had sold her ownership interest in the Company and for indirectly appearing before HHC on behalf of the Company. The former Tumor Registrar admitted that she requested and received proposals from the Company to do work on behalf of the Tumor Registry, signed the contract between HHC and the Company, and signed Certificates of Necessity certifying that HHC funds were necessary to pay the Company for its services to HHC. The former Tumor Registrar 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 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 includes firms in which the public servant has a managerial interest, and prohibits a public servant from appearing, even indirectly, on behalf of such private interest before any City agency. *COIB v. Anderson*, COIB Case No. 2002-325 (2008).

The Board issued a public warning letter to a former New York City Department of Education ("DOE") Attorney for the DOE Office of Legal Services ("OLS") who, while she was on an unpaid leave of absence, was paid to represent a DOE student and the student's parents with respect to the student's suspension from DOE. On behalf of the client, the DOE Attorney called OLS to attempt to discuss the suspension prior to a hearing and appeared as the defense attorney of record at a Suspension Hearing before DOE. The Board issued the public warning letter after receiving evidence that the DOE Attorney had been on an unpaid leave of absence for nearly two years with no guarantee of returning to her position at the end of such leave, when she engaged in the above-described outside practice of law. 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 representing, for compensation, any private client in a matter before a City agency, and that even while on an unpaid leave of absence, public servants are still obligated to comply with the City's conflicts of interest law. *COIB v. Ferguson*, COIB Case No. 2007-305 (2008).

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).

The Board fined a Probation Officer for the New York City Department of Probation (“DOP”) \$750 for owning and operating a firm that subcontracted to do business with the City. The Probation Officer admitted that he owned and operated a private security services firm that contracted with four private construction firms to provide subcontracted security guard services at New York City School Construction Authority (“SCA”) construction sites. The Probation Officer acknowledged that his firm was engaged in business dealings with the City through the subcontracts with SCA, in violation of the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows or should know is engaged in business dealings with the City and also prohibits a public servant from appearing for compensation before any City agency. *COIB v. Saigbovo*, COIB Case No. 2007-058 (2008).

The Board and the Department of Probation (“DOP”) concluded a three-way settlement with a DOP Probation Officer who owned and operated a firm that he personally caused to engage in business dealings with the City. The DOP Probation Officer admitted that he owned and operated a private security services firm and that he entered that firm into a contract with the New York City Health and Hospitals Corporation (“HHC”) and communicated with HHC regarding that contract. He further admitted that his firm contracted with private construction firms to provide subcontracted security guard services at various City agency construction sites. The Probation Officer acknowledged that his firm was engaged in business dealings with the City through both the HHC contract and through the subcontracts with City agencies, in violation of the City’s conflicts of interest law, which prohibits a public servant from having an interest in a firm that the public servant knows is engaged in business dealings with the City and also prohibits a public servant from appearing for compensation before any City agency. The DOP Probation Officer paid a \$5,000 fine to the Board. *COIB v. Osagie*, COIB Case No. 2006-233 (2007).

The Board issued a public warning letter to a former teacher at the New York City Department of Education (“DOE”) for making uncompensated appearances on behalf of the parents of three different children at impartial hearings to determine whether the children were entitled to special education services. 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. The Board advised the former DOE teacher that it would not have violated Chapter 68 if she had appeared at the impartial hearings as an unpaid fact witness, rather than as advocate on behalf of the children’s parents. *COIB v. Burgos*, COIB Case No. 2006-380 (2007).

The Board fined a former New York City Department of Education (“DOE”) teacher \$750 for having an interest in a firm that did business with DOE. The former teacher admitted that when he was still employed by DOE, he entered into a contract with DOE on behalf of a private company, of which he was President, to become a Supplemental Educational Services (“SES”) provider for DOE, and then submitted forms to DOE in accordance with the terms of that contract. The former teacher acknowledged that this 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 does business with his agency and from appearing for compensation before any City agency. *COIB v. Marchuk*, COIB Case No. 2005-031 (2007).

In a settlement with the Board and the New York City Department of Education (“DOE”), a DOE teacher was fined \$1,000 for appearing as an attorney against the interests of DOE at a suspension hearing on behalf of two DOE students. The DOE teacher acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from appearing as attorney or counsel against the interests of the City in any proceeding in which the City is the complainant. *COIB v. Davis*, COIB Case No. 2005-178 (2007).

The Board issued a public warning letter to an Assistant Principal for the Department of Education (“DOE”) for submitting a proposal for universal pre-kindergarten services to the DOE in response to a DOE Request for Proposals in her capacity as pastor for a private ministry, and listing her DOE e-mail address as part of her contact information. While not pursuing further enforcement action, the Board took the opportunity to remind public servants that Chapter 68 of the City Charter prohibits a public servant from submitting a contract proposal on behalf of a private interest, including a ministry, to any City agency, and also prohibits a public servant from using his or her City e-mail address on behalf of any private interest. *COIB v. Layne*, COIB Case No. 2006-065 (2007).

In a settlement with the Board and the New York City Fire Department (“FDNY”), an FDNY lieutenant was fined for moonlighting as a fire sprinkler inspector in the City and indirectly appearing before the FDNY as part of his non-City job. The firefighter’s non-City job required him to prepare inspection reports that he knew would be reviewed by FDNY personnel. Public servants are prohibited from representing, for pay, private interests before the City and from appearing, even indirectly, in matters involving the City. The firefighter, who also admitted to violating various FDNY rules and regulations, agreed to forfeit 50 days’ pay, which amounted to approximately \$11,267, and 10 days of annual leave. He was also placed on probation for three years. *COIB v. Valsamedis*, COIB Case No. 2005-238 (2006).

The Board fined a plumbing inspector with the New York City Housing Authority \$800 for filing seventeen “Plumber’s Affidavits” with the Department of Buildings in connection with his private plumbing business. City employees who are also licensed plumbers and operate private part-time plumbing businesses are not permitted to file Plumber’s Affidavits under the City Charter as interpreted in a Board opinion. In this matter, the plumbing inspector had agreed in writing at the time he began working for the City that he would not file Plumber’s Affidavits. Such filings are not permitted because they involve applications to do major repairs or installations and are deemed to be “representing private interests before a City agency,” the Department of Buildings. Applications to perform minor repair work, the so-called Plumbing Alteration and Repair Slips, are permitted to be filed with the Department of Buildings by City employees. *COIB v. Loughran*, COIB Case No. 2000-407 (2002).

The Board issued a public warning letter to a licensed plumber who works for the City and who also moonlights, in which the Board reminded public servants who are licensed plumbers that they may file with the Department of Buildings Plumbing Alteration and Repair Slips, which involve minor plumbing jobs, but not Plumber’s Affidavits, involving major repairs

in connection with building permits, unless they first obtain waivers from the Conflicts of Interest Board. *COIB v. Abramo*, COIB Case No. 2000-638 (2001).

A Board of Education (“BOE”) employee admitted that she appeared, for compensation, as an attorney on behalf of her private client, in a matter involving the City. In appearing on behalf of her client in a litigation in which the New York City Administration for Children’s Services was a party, she appeared against the interests of the City. The BOE employee made five appearances before Family Court and Criminal Court on her client’s behalf. The City’s Charter and the Board’s Rules prohibit public servants from appearing on behalf of private interests in matters involving the City and appearing against the interests of the City in any litigation to which the City is a party. The BOE employee was fined \$700. *COIB v. Hill-Grier*, COIB Case No. 2000-581 (2001).

ACCEPTING COMPENSATION FOR CITY JOB FROM SOURCE OTHER THAN THE CITY

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

The Board issued public warning letters to four current and former Community Center staff members for the New York City Housing Authority (“NYCHA”) for accepting compensation from an entity other than NYCHA for performing their official City duties. The staff members were assigned to work at the NYCHA Independence Tower Community Center and were paid by NYCHA to supervise Community Center events, including private rentals, for the duration of the events. Each of the Community Center staff members accepted money from the Independence Tower Advisory Board – an entity that is not part of NYCHA – for supervising private rentals of the Community Center that went longer than scheduled and/or for cleaning the Community Center after such events. At NYCHA’s request, the NYCHA employees returned to NYCHA all monies they received from the Advisory Board. While not pursuing further enforcement action, the Board took the opportunity of these public warning letters to remind public servants that they may accept compensation only from the City for performing any of their official City duties. *COIB v. Jackson*, COIB Case No. 2007-725 (2009); *COIB v. Morales*, COIB Case No. 2007-725a (2009); *COIB v. Blackmon*, COIB Case No. 2007-725b (2009); and *COIB v. Foster*, COIB Case No. 2007-725c (2009).

The Board and the New York City Department of Health and Mental Hygiene (“DOHMH”) concluded a three-way settlement in which an Associate Staff Analyst, holding an underlying civil service title of Public Health Educator, in the DOHMH Bureau of School Health was suspended for five days by DOHMH, valued at approximately \$1,274, for giving two paid lectures which he could have been reasonably assigned to do as part of his DOHMH duties and then communicating about those paid lectures using City technology resources and while on City time. The DOHMH Associate Staff Analyst admitted that he gave two paid lectures on HIV/AIDS to incoming students at The Cooper Union for the Advancement of Science and Art and that he could have been reasonably assigned to deliver these lectures as part of his DOHMH duties. The Associate Staff Analyst further admitted that, at times when he was supposed to be doing work for DOHMH, he used a City computer and his DOHMH e-mail account to communicate with Cooper Union about those lectures. The Associate Staff Analyst acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits public servants from receiving compensation from any entity other than the City for performing their official duties and prohibits public servants from using City time and City resources to pursue private activities. *COIB v. Sheiner*, COIB Case No. 2009-177 (2009).

The Board fined a former Senior Inspector for the Enforcement Division, Petroleum Product Squad, at the New York City Department of Consumer Affairs (“DCA”) \$4,000, after he had retired from DCA while disciplinary charges were pending, for accepting money from a gas station owner whose station he was inspecting as part of his official DCA duties. The former Senior Inspector acknowledged that, after he completed his inspection of a Shell gas station in Brooklyn, he informed the owner that there were violations at the gas station, which the owner disputed. The owner then offered the former Senior Inspector \$100, which he accepted, and then the Senior Inspector handed the owner a Certificate of Inspection indicating no violations. The former Senior Inspector

acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting or receiving any gratuity from any person whose interests may be affected by the public servant's official action. *COIB v. Forsythe*, COIB Case No. 2008-192 (2009).

The Board fined the former Chief Dockmaster at the 79th Street Boat Basin for the New York City Department of Parks and Recreation ("Parks") \$1,200 for accepting tips from Boat Basin customers. The former Chief Dockmaster acknowledged that, as part of his official duties as Dockmaster, he dealt directly with customers of the Boat Basin. Over the course of three boating seasons, he accepted cash tips from Boat Basin customers in the amount of approximately \$5 each, for a total of \$125, and a tip from one customer in the form of 5 checks of \$25 each. The former Chief Dockmaster acknowledged that his conduct violated the City's conflicts of interest law, which prohibits a public servant from accepting or receiving any gratuity from any person whose interests may be affected by the public servant's official action. *COIB v. Smith*, COIB Case No. 2008-301 (2009).

The Board fined a former Assistant Commissioner for the New York City Fire Department ("FDNY") Office of Medical Affairs \$6,500 for accepting 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).

The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement in which a NYCHA community coordinator was suspended for 25 workdays, valued at approximately \$4,262, for accepting compensation from both NYCHA and a Resident Advisory Board for performing her official duties. The community coordinator acknowledged that she accepted approximately \$130 from the Glenwood Houses Advisory Board for supervising rentals at the Glenwood Houses Community Center when she also received compensation from NYCHA for supervising the same rentals. The community coordinator acknowledged that her conduct violated the New York City’s conflicts of interest law, which prohibit a public servant from using his or her position as a public servant to obtain any financial gain for the public servant or any person or firm associated with the public servant, and from accepting compensation except from the City for performing his or her official duties. *COIB v. Nelson*, COIB Case No. 2006-562 (2006).

The Board and the New York City Housing Authority (“NYCHA”) concluded a three-way settlement in which a NYCHA community associate was suspended for 25 workdays, valued at approximately \$3,085, for accepting compensation from both NYCHA and a Resident Advisory Board for performing her official duties. The community coordinator acknowledged that she accepted approximately \$265 from the Glenwood Houses Advisory Board for supervising rentals at the Glenwood Houses Community Center when she also received compensation from NYCHA for supervising the same rentals. The community coordinator acknowledged that her conduct violated the New York City’s conflicts of interest law, which prohibit a public servant from using his or her position as a public servant to obtain any financial gain for the public servant or any person or firm associated with the public servant, and from accepting compensation except from the City for performing his or her official duties. *COIB v. Jefferson*, COIB Case No. 2006-562b (2006).

SUPERIOR-SUBORDINATE FINANCIAL RELATIONSHIPS

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

The Board fined a Deputy Chief Administrative Law Judge (“ALJ”) at the Parking Violations Bureau for the New York City Department of Finance \$1,450 for accepting free legal representation from his subordinate, a business relationship prohibited by Chapter 68 of the New York City Charter. The Deputy Chief ALJ acknowledged that he was the superior of an ALJ in the Parking Violations Bureau who provided the Deputy Chief ALJ with free legal representation, from the winter of 2006 through the summer of 2007, in connection with his divorce, which representation included the ALJ’s attendance at two meetings at the office of the attorney of the Deputy Chief ALJ’s wife and the ALJ’s designation as the individual to receive and review a draft settlement agreement to be prepared by the Deputy Chief ALJ’s wife’s attorney. The Deputy Chief ALJ acknowledged that his conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the public servant’s superior or subordinate. The Board has previously stated, in its Advisory Opinion No. 92-28, that a public servant’s provision of legal representation to a superior or subordinate, even if not compensated and even if the superior and subordinate are personal friends, would be a violation of this provision of the City’s conflicts of interest law. *COIB v. Keeney*, COIB Case No. 2007-565 (2009).

The Board issued public warning letters to a Department of Education (“DOE”) Principal and teacher for entering into a loan arrangement with each other. The Principal loaned \$500 to a teacher at his school because the teacher did not receive a paycheck from DOE for his first two weeks of work, which the teacher had still not repaid to the Principal. While not pursuing further enforcement action, the Board took the opportunity of these public warning letters to remind public servants that Chapter 68 of the City Charter prohibits public servants from having any business or financial relationship, such as a loan, with a superior or subordinate who is also a public servant. *COIB v. Laub*, COIB Case No. 2009-026 (2009); *COIB v. Reyes*, COIB Case No. 2009-026a (2009).

The Board fined a New York City Department of Education School Food Manager \$600 for selling Avon products to her subordinates. The School Food Manager acknowledged that her conduct violated the City’s conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the public servant’s superior or subordinate. The Board has previously stated, in its Advisory Opinion No. 98-12, that while public servants may sell items, such as Avon products, to their peers, the sale of any item by a superior to a subordinate is prohibited by the City’s conflicts of interest law. *COIB v. M. Hahn*, COIB Case No. 2008-929 (2009).

The Board fined an Administrative Law Judge (“ALJ”) at the Parking Violations Bureau for the New York City Department of Finance \$750 for providing free legal representation to his supervisor, a business relationship prohibited by Chapter 68 of the New York City Charter. The ALJ acknowledged that he was the subordinate of the Deputy Chief ALJ in the Parking Violations Bureau and that, from the winter of 2006 through the summer of 2007, he provided free legal representation to the Deputy Chief ALJ in connection with his divorce, which included the ALJ’s attendance at two meetings at the office of the attorney of the Deputy Chief ALJ’s wife and the ALJ’s designation as the individual to receive and review a draft settlement agreement to be prepared by the Deputy Chief

ALJ's wife's attorney. The ALJ acknowledged that his conduct violated the City of New York's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with the public servant's superior or subordinate. The Board has previously stated, in its Advisory Opinion No. 92-28, that a public servant's provision of legal representation to a superior or subordinate, even if not compensated and even if the superior and subordinate are personal friends, would be a violation of this provision of the City's conflicts of interest law. *COIB v. Horowitz*, COIB Case No. 2007-565a (2009).

The Board and the New York City Department of Environmental Protection ("DEP") concluded a three-way settlement in which a DEP Instrumentation Specialist was suspended by DEP for thirty days, valued at \$4,826, for entering into a prohibited financial relationship with his DEP superior. The DEP Instrumentation Specialist admitted that he sold a handgun to his DEP superior and that, as part of that sale, he used a DEP fax machine. The Instrumentation Specialist acknowledged that this conduct violated the City's conflicts of interest law, which prohibits any public servant from entering into a financial relationship with his superior or subordinate and from using City resources for such a non-City purpose. *COIB v. Geraghty*, COIB Case No. 2008-368a (2009).

The Board fined a Supervisor for the New York City Administration for Children's Services ("ACS") \$500 for, from March to October 2006, participating in a "sou-sou" in which three of her ACS subordinates also participated. A "sou-sou" is an informal savings club, in which the participants pay a certain amount of money to the sou-sou coordinator at regularly scheduled times. At each such time, all the money collected from the group is dispersed to one of the participants in the sou-sou. A different participant receives the dispersed amount each time until all members of the sou-sou have received the lump-sum payment. Prior to the Supervisor's participation in the sou-sou savings club with her subordinates, the Board had issued its Advisory Opinion No. 2004-02, which states that it would be a violation of the conflicts of interest law for any public servant to enter into any sou-sou savings club with his or her superior or subordinate. The Supervisor acknowledged that by participating in this sou-sou savings club with her subordinates, she violated the City's conflicts of interest law, which prohibits a public servant from entering into a business or financial relationship with his or her superior or subordinate. This is the Board's first public disposition enforcing its decision in Advisory Opinion No. 2004-02, a factor that was taken into account by the Board in assessing the fine. *COIB v. Leigh*, COIB Case No. 2006-640 (2009).

The Board fined a New York City Parks and Recreation Chief of Operations for Prospect Park \$1,000 for obtaining a \$5,000 loan from a subordinate. The Chief of Operations admitted 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. *COIB v. Pittari*, COIB Case No. 2008-077 (2008).

The Board issued a public warning letter to Supervisor of the District 14 Parade Grounds at the New York City Department of Parks and Recreation for lending \$5,000 to her supervisor, the Chief of Operations. 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 entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. LeGall*, COIB Case No. 2008-077a (2008).

The Board and the New York City Department of Sanitation (“DSNY”) concluded a three-way settlement in which a DSNY Medical Records Librarian was fined \$250 by the Board and suspended for 3 days by DSNY, valued at \$561, for using her position to obtain loans from two DSNY subordinates. The Medical Records Librarian 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, 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 entering into any business or financial relationship with another public servant who is a superior or subordinate of such public servant. *COIB v. Geddes*, COIB Case No. 2008-122 (2008).

The Board fined a former Captain of the New York City Police Department (“NYPD”) \$5,000 for using six subordinates to perform remodeling and landscaping work on his private residence. The former NYPD Captain acknowledged that, from in or around 2002 through 2003, he asked six NYPD subordinates to perform remodeling and landscaping work around his home and compensated some of those subordinates for their work. The former NYPD Captain acknowledged that this conduct violated the City’s conflicts of interest law, which: (a) 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; and (b) 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. In setting the amount of the fine, the Board took into consideration that the former NYPD Captain forfeited terminal leave valued at approximately \$37,000 as a result of departmental charges pending against him at the time of his retirement, which charges arose, in part, out of the same facts recited above. *COIB v. Byrne*, COIB Case No. 2005-243 (2008).

The Board fined a former Principal for the New York City Department of Education (“DOE”) \$2,500 for supervising her live-in boyfriend as the Technology Coordinator at her school for five months, and for using, one weekend day, three of her DOE subordinates to assist her in moving her personal belongings to her new residence. The former Principal acknowledged that this conduct violated that City’s conflicts of interest law, which prohibits a public servant from entering into a financial relationship – such as cohabitation – with one’s superior or subordinate, and 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. Montemarano*, COIB Case No. 2007-015 (2008).

The Board fined a Technology Coordinator for the New York City Department of Education \$1,500 for applying for and accepting a position at the school where his live-in girlfriend was the Principal and, for five months, for working at that school under her supervision. The Technology Coordinator acknowledged that this conduct violated that City’s conflicts of interest law, which prohibits a public servant from entering into a financial relationship – such as cohabitation – with one’s superior or subordinate. *COIB v. Klein*, COIB Case No. 2007-015c (2008).

The Board fined two Lieutenants of the New York City Police Department (“NYPD”) and a retired NYPD Police Officer \$500 each for entering into prohibited superior-subordinate financial relationships. The NYPD Lieutenants and the retired Police Officer all admitted that in 2004, the then-active Police Officer sold cars to each of his two superior Lieutenants, for which cars the Lieutenants paid the Police Officer \$1,000 and \$1,500. The NYPD Lieutenants and Police Officer acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from entering into a financial relationship with his or her superior or subordinate. *COIB v. Lemkin*, COIB Case No. 2004-746 (2008), *COIB v. Renna*, COIB Case No. 2004-746a (2008), and *COIB v. Schneider*, COIB Case No. 2004-746b (2008).

The Board fined the former Director of the Call Center for the New York City Department of Health and Mental Hygiene (“DOHMH”) \$7,500 for, among other things, hiring a subordinate DOHMH employee to perform work for a not-for-profit organization for which she served as a member and Vice-Chair of the Board of Directors and for directing her subordinate to perform some of that work on City time. The former Director acknowledged that, in addition to her DOHMH position, she also served, since 1998, as an unpaid Member and Vice-Chair of the Board of Directors of the not-for-profit organization and in that capacity had often functioned as the organization’s *de facto* (although unpaid) Executive Director. The former Director acknowledged that she had hired a DOHMH employee under her supervision to perform work for the organization, that she had communicated with that DOHMH employee concerning his work for the organization on City time using her DOHMH computer and e-mail account, and that, in one instance, she had directed that DOHMH employee to go to the organization’s office to perform work there, while he was on City time. The former Director acknowledged that this conduct violated the conflicts of interest law’s prohibitions against a public servant entering into a financial relationship with his or her superior or subordinate and against a public servant soliciting, requesting, or commanding another public servant to engage in conduct that violates the conflicts of interest law. *COIB v. Harmon*, COIB Case No. 2007-774 (2008).

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 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).

The Board issued a public warning letter to a former Vice Principal at the New York City Department of Education ("DOE") for entering into financial relationships with two of his DOE subordinates at his school. The two subordinates charged to their personal credit cards expenses in the amounts of \$525 and \$845, respectively, to enable the Vice Principal to attend a DOE-related function. The Vice Principal should have incurred these expenses personally, for which expenses he could have been reimbursed by the 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 having any financial relationship with a subordinate because it creates at least the appearance that the public servant has used his or her position for personal financial gain. *COIB v. Anderson*, COIB Case No. 2007-002 (2007).

The Board fined a former Associate Juvenile Counselor for the Department of Juvenile Justice ("DJJ") \$4,750 for using his position to obtain a loan from his subordinate for his personal use. The former Associate Juvenile Counselor acknowledged that in or around September 2003, he borrowed approximately \$4,250 from his subordinate, which he failed to repay in full. The former Associate Juvenile Counselor 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 from entering into any business or financial relationship with a superior or subordinate. Of the \$4,750 fine, the Board will forgive \$4,250 upon the condition that the former Associate Juvenile Counselor repays his former subordinate the outstanding balance of the loan. *COIB v. Pratt*, COIB Case No. 2004-188 (2007).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement in which a DOE Principal was fined \$1,000 by the Board and was required by DOE to (a) immediately resign her position as Principal; (b) be reinstated as a teacher, resulting in a \$52,649 reduction in her annual salary; and (c) irrevocably resign from DOE by August 31, 2008, for using her City position to solicit and obtain monies from subordinates and using DOE funds to partially pay back one of the loans. The Principal acknowledged that she used her position to obtain \$900 from a subordinate to pay half the cost of an unauthorized DOE activity. The Principal further acknowledged that she asked a second subordinate to solicit and obtain a \$350 loan from a third subordinate on her behalf and that she then used DOE funds and money from other subordinates to pay the third subordinate back the \$350 loan. The Principal acknowledged that this conduct violated the City's conflicts of interest law, which prohibits a public servant from entering into a financial relationship with a superior or subordinate, including soliciting or obtaining loans from a superior or subordinate. *COIB v. Tamayo*, COIB Case No. 2007-519 (2007).

The Board fined the Deputy Director of Personnel, Benefits & Leaves at the New York City Department of Homeless Services ("DHS") \$1,500 for renting an apartment for six months to a subordinate, collecting between \$850 and \$910 from the subordinate per month. The Deputy Director

of Personnel 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, and also prohibits a public servant from entering into a financial relationship with his superior or subordinate. *COIB v. Hall*, COIB Case No. 2006-618 (2007).

The Board and the New York City Department of Education ("DOE") concluded a three-way settlement with a DOE Principal for entering into a financial relationship with a subordinate. The DOE Principal acknowledged that by selling her car to her subordinate for \$1,800 and later loaning the same subordinate \$1,500, she violated the City's conflicts of interest law, which prohibits any public servant from entering into a financial relationship with a superior or subordinate. The Board fined the DOE Principal \$2,500. *COIB v. Barreto*, COIB Case No. 2006-098 (2007).

The Board fined a New York City Council Member \$1,000 who, having married his Chief of Staff, continued to employ her in that capacity, as his subordinate, for eight months after their marriage. The Council Member 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, such as a spouse, and also prohibits a public servant from entering into a financial relationship with his superior or subordinate. The Board took the occasion of the publication of the disposition to remind public servants that a marriage is a "financial relationship" within the meaning of the City's conflicts of interest law, and that such a financial relationship between superiors and subordinates is prohibited even if the superior-subordinate relationship precedes the marriage. *COIB v. Sanders*, COIB Case No. 2005-442 (2007).

The Board and the New York City Department of Homeless Services ("DHS") suspended a DHS Administrative Director of Social Services for five days, valued at \$1,273.25, and fined her \$3000, for making multiple sales of consumer goods, such as clothing, shoes, pocketbooks, cosmetics, and household items, to her DHS subordinates for a profit, while on City time and out of her DHS office. The Administrative Director acknowledged that this conduct violated the City's conflicts of interest law, which, among other things: (a) 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; (b) prohibits a public servant from entering into a financial relationship with his/her superior or subordinate; (c) prohibits a public servant from pursuing private activities during times when that public servant is required to perform services for the City; and (d) prohibits a public servant from using City resources, such as one's City office, for any non-City purpose. *COIB v. Amofo-Danquah*, COIB Case No. 2006-460 (2007).

The Board fined a former New York City Department of Education ("DOE") Supervisor of Roofers in the Division of School Facilities \$1,500 for recommending two subordinates for a private roofing job, for which the Supervisor accepted a \$200 commission, and then recommending a third subordinate for a private roofing job, for which the Supervisor accepted a \$50 commission, which commissions were received by the Supervisor directly from his subordinates. The Supervisor of Roofers acknowledged that his conduct violated the City'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 also prohibits a public servant from entering into a financial relationship with his superior or subordinate. *COIB v. Della Monica*, COIB Case No. 2004-697 (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’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 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’s conflicts 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*, Case No. 2001-494 (2007).

The Board and the New York City Department of Environmental Protection (“DEP”) concluded two three-way settlements with a DEP Supervising Mechanic and a DEP auto mechanic, fining them \$750 and \$460, respectively, for engaging in a prohibited superior-subordinate financial relationship. The subordinate mechanic sold a vintage Chevrolet Corvette to his superior, which the superior purchased for \$14,000, and performed a brake repair on another car owned by the superior, for which repair the subordinate was paid \$400 by the superior. The superior and subordinate DEP mechanics acknowledged that this conduct violated the City’s conflicts of interest law, which prohibits any public servant from entering into a financial relationship with his superior or subordinate. *COIB v. Marchesi*, COIB Case No. 2005-271 (2006); *COIB v. Parlante*, COIB Case No. 2005-271a (2006).

The Board fined a former Department of Education (“DOE”) Assistant Principal \$2,800 for engaging in financial relationships with his subordinates and for misusing City resources. The former principal, who had a private tax preparation business, prepared income tax returns, for compensation, for his DOE subordinates, and also gave the fax number of the DOE school at which he worked to his private clients in order for them to send their tax information to him. *COIB v. Guttman*, COIB Case No. 2004-214 (2005).

The Board fined the Director of the Emergency Service Department at the New York City Housing Authority (“NYCHA”) \$1,750 for selling his car to one of his subordinates for \$3,500. In a three-way settlement in which NYCHA was involved, the NYCHA employee also forfeited four days of annual leave that he accrued at NYCHA, which is equivalent to approximately \$1,600. The NYCHA employee acknowledged that his conduct violated the New

York City conflicts of interest law, which prohibits public servants from entering into financial relationships with other public servants who are their subordinates or their superiors and from inducing or causing another public servant to engage in conduct that violates the conflicts of interest law. *COIB v. Vazquez*, COIB Case No. 2004-321 (2005).

The Board concluded a settlement with a former Department of Correction Commissioner, who paid a \$500 fine for having three subordinate Correction Officers repair the leaking liner on his aboveground, private swimming pool. Two of the Officers were his personal friends for more than ten years, and they brought the third Officer, whom the Commissioner had not met before. The work was modest in scope, the subordinates did the repairs on their own time, not City time, and the Commissioner paid the two Officers he knew a total of \$100 for the work, which included replacing the liner, replacing several clamps, and re-installing the filter. The Commissioner believed that the Officers acted out of friendship, but acknowledged that he had violated the Charter provisions and Board rules that prohibit public servants from misusing or attempting to misuse their official positions for private gain, from using City personnel for a non-City purpose, and from entering into a business or financial relationship with subordinates. Officials may not use subordinates to perform home repairs. This is so even if the subordinates are longstanding friends of their supervisors, because such a situation is inherently coercive. Allowing, requesting, encouraging, or demanding such favors or outside, paid work can be an imposition on the subordinate, who may be afraid to refuse the boss or may want to curry favor with the boss in a way that creates dissension in the workplace. There was no indication here that the Commissioner coerced the Officers in this case, but it is important that high-level City officials set the example for the workforce by taking care to consider the potential for conflicts of interest. *COIB v. W. Fraser*, COIB Case No. 2002-770 (2004).

In a settlement among the New York City Department of Correction (“DOC”), the Board, and a DOC Program Specialist, the Program Specialist admitted violating Chapter 68 of the City Charter by selling t-shirts and promoting his side business (sales of essential oils and perfumes) to his City subordinates. He forfeited five vacation days. *COIB v. Jones*, COIB Case No. 1998-437 (2001).

The Board fined a Human Resources Administration (“HRA”) First Deputy Commissioner \$8,500 for leasing his own apartments to five of his HRA subordinates and to the HRA Commissioner, for using an HRA subordinate to perform private, non-City work for him, and for using his official position to arrange for the state of Wisconsin to loan an employee to HRA and then housing that visiting consultant in his own apartment and charging and receiving \$500 for the stay, for which the City ultimately paid. The Deputy Commissioner also admitted using City equipment in furtherance of his private consulting business. Like Commissioner Turner, the Deputy Commissioner violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. *COIB v. Hoover*, COIB Case No. 1999-200 (2000).

The Board fined the Human Resources Administration (“HRA”) Commissioner \$6,500 for hiring his business associate as First Deputy Commissioner of HRA, without seeking or obtaining a waiver from the Board, for using his Executive Assistant to perform tasks for his private consulting company, as well as for using his City title on a fax cover sheet (on one

occasion inadvertently), using City time, phone, computer, and fax machine for his private consulting work, and renting an apartment for over a year from his subordinate, the First Deputy Commissioner. These acts violated rules intended to eliminate coercion and favoritism in government and to prevent misuse of government workers and equipment for personal gain. *COIB v. Turner*, COIB Case No. 1999-200 (2000).

A manager at the Department of Information Technology and Telecommunications settled a case in which he admitted purchasing a computer from his subordinate for \$1,350. The ethics law prohibits superiors and subordinates from entering into business transactions. The manager agreed to settle the case by paying a \$1,000 fine. *COIB v. Rosenberg*, COIB Case No. 1999-358 (2000).

The Board fined a Deputy Commissioner of the City Human Rights Commission \$1,500 for subleasing an apartment from a subordinate attorney and for using City equipment in the private practice of law. *COIB v. Wills*, COIB Case No. 1995-45 (1998).

An assistant principal of a City school was fined \$1,000 for borrowing \$1,000 from a subordinate teacher in the first “three-way” disposition among the Conflicts of Interest Board, a City official, and the agency employing the official, in this case, the Board of Education. *COIB v. Ross*, COIB Case No. 1997-225 (1997).

The Board fined the Superintendent of Community School District 1 \$500 for asking a subordinate to guarantee personally the lease for the Superintendent’s rental apartment in Manhattan. *COIB v. Ubinas*, COIB Case No. 1991-223 (1993).

JOB-SEEKING VIOLATIONS

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

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 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).

The Board fined a former New York City Department of Housing Preservation and Development (“HPD”) Housing Development Specialist and Project Manager in the Office of Development, New Construction Finance, \$1,000 for negotiating for and accepting a position with a bank that was a co-lender with HPD on a project for which the public servant served as the Project

Manager. In his capacity as Project Manager, the public servant was personally dealing with the bank and/or issues involving the bank. The former Project Manager acknowledged that this conduct violated the City's conflicts of interest law, which 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. *COIB v. Larson*, COIB Case No. 2007-441 (2007).

The Board adopted the Report and Recommendation of Administrative Law Judge Kevin F. Casey at the Office of Administrative Trial and Hearings ("OATH"), issued after a full trial of this matter on the merits, that a former Director of Engineering with the New York City Department of Transportation ("DOT") applied for and accepted a position with a vendor whose invoices he approved as part of his DOT job. The Board found that, during July and August 1998, the DOT Director of Engineering certified and signed ten invoices which verified that City-owned parking garages were properly managed and operated by a City vendor, Kinney Systems, Inc., and authorized DOT's payment of over \$290,000 in management fees to Kinney. During this same period when he was certifying and signing these Kinney invoices, the DOT Director of Engineering was actively negotiating for, and ultimately accepted, a position with Central Parking Corporation, which he knew was the parent corporation of Kinney. The OATH ALJ found, and the Board adopted as its own findings, that this conduct violated the City's conflicts of interest law, which prohibits a public servant from soliciting, 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. The Board fined the former DOT Director of Engineering \$1,500. *COIB v. Pentangelo*, COIB Case No. 1999-026 (2007).

The Board fined a former New York City Department of Youth and Community Development ("DYCD") Contract Specialist in the Youth Program Operations Unit \$500 for applying for and accepting a position with a vendor whose contract he monitored and for appearing before DYCD on behalf of that vendor within one year of his resignation from DYCD. The conflict 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. Fenster*, COIB Case No. 2002-140 (2006).

The Board and the Human Resources Administration ("HRA") concluded a settlement involving an HRA management auditor who solicited a job with an HRA vendor that he audited. The auditor paid a fine of \$500 to the Board and forfeited six days' annual leave, which is equivalent to approximately \$1,000, for a total fine of \$1,500. As part of his HRA duties, the auditor conducted internal audits of HRA vendors and facilitated audits of HRA vendors by other HRA employees. In the fall of 2002, the auditor, in a conversation with a vendor that he oversaw as part of his official duties, expressed interest in being considered for employment with the vendor. The auditor also received from the same vendor information regarding an organization to which he later applied for a job. The auditor admitted that he sought a job with a City vendor while he was actively considering, directly concerned with, or personally participating in the vendor's dealings with the City, and that he misused his official position for private gain. *COIB v. Asemota*, COIB Case No. 2003-788 (2005).

A Department of Environmental Protection (“DEP”) project manager admitted that he violated the City Charter by sending his resume to a City contractor while he was directly concerned with that contractor’s particular matter with the City and had recommended that contractor for a \$10 million City contract. The project manager was not even interviewed for the private job. He paid a \$1,000 fine. *COIB v. Matos*, COIB Case No. 1994-368 (1996).

In the *Baer* matter noted above under “Gifts,” the former chief of staff to a Deputy Mayor solicited a job with a vendor at a time when various City agencies were engaged in developing a request for proposals in which that vendor was interested and involved as a prospective bidder, and the former chief of staff was involved in that City matter. *COIB v. Baer*, COIB Case No. 1993-282 (1995).