

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND
ELECTIONS

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February 27, 2024

Start: 1:05 p.m.

Recess: 1:57 p.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 14TH
FLOOR

B E F O R E: Keith Powers, Chairperson

COUNCIL MEMBERS:

Adrienne E. Adams

Diana Ayala

Joseph C. Borelli

Justin L. Brannan

Selvena N. Brooks-Powers

Amanda Farías

Crystal Hudson

Rafael Salamanca, Jr.

A P P E A R A N C E S

Milton L. Williams, New York City Conflicts of Interest Board nominee

Amy E. Millard, New York City Conflicts of Interest Board nominee

Christopher Leon Johnson, self

2 SERGEANT-AT-ARMS: Sound check for the
3 Committee on Rules, Privileges, and Elections.
4 Today's date is February 27, 2024, being recorded by
5 Danny Huang on the 14th Floor Hearing Room.

6 SERGEANT-AT-ARMS: Good afternoon and
7 welcome to the Committee on Rules, Privileges, and
8 Elections.

9 At this time, we ask that you please
10 place phones on vibrate or silent mode.

11 Thank you.

12 Chair, we are ready to begin.

13 CHAIRPERSON POWERS: [GAVEL] Good
14 afternoon and welcome to the meeting of the Committee
15 on Rules, Privileges, and Elections. I'm Council
16 Member Keith Powers, Chair of the Committee.

17 Before we begin, I'd like to introduce
18 the other Members of the Committee who are present.
19 We're joined by Speaker Adrienne Adams, Council
20 Member Selvena Brooks-Powers, Council Member Ayala,
21 Council Member Fariás, Council Member Brannan, and
22 I'm sure we'll be joined by the others in the near
23 future.

24 I'd also like to acknowledge the Counsel
25 to the Committee, Jeff Campagna, and the Committee

2 Staff that worked on the appointments who are here
3 today, Chief Ethics Counsel, Pearl Moore; Director of
4 Investigations, Francesca DellaVecchia; Deputy
5 Director Investigations, Alycia Vassell.

6 By letters dated January 31, 2024, Mayor
7 Eric Adams requested the advice and consent of the
8 Council regarding the appointments of Milton Williams
9 and Amy Millard to the New York City Conflicts of
10 Interest Board.

11 Today, the Council will consider whether
12 to give these candidates our advice and consent.

13 We're also joined by Council Member Joe
14 Borelli as well.

15 I want to now recognize Speaker Adrienne
16 Adams to offer opening remarks.

17 SPEAKER ADAMS: Thank you so much, Chair
18 Powers, and I also do recognize and acknowledge my
19 Colleagues on the Committee, and I want to thank the
20 Staff for their hard work on today's hearing.

21 Today, the Committee will be hearing from
22 two nominees to the Conflicts of Interest Board, Amy
23 Millard and Milton Williams. I welcome the candidates
24 who've joined us here today and congratulate you on
25 your nomination.

2 Amy Millard is a counsel with the firm
3 Clayman, Rosenberg, Kirshner, and Linder where she
4 has spent the last 24 years focusing on white collar
5 criminal defense on matters that have involved
6 allegations of banking and other financial fraud,
7 securities fraud, market manipulation, improprieties
8 in the sale of various securities including municipal
9 securities, mortgage backed securities and derivative
10 products, mail and wire fraud, False Claims Act
11 violation, criminal antitrust violations, false
12 statements, obstruction of justice, failure to
13 maintain appropriate anti-money-laundering systems,
14 violations of the Foreign Corrupt Practices Act, OFAC
15 violations, healthcare fraud, and criminal tax
16 matters, including cross border tax investigations.
17 She also spent nine years in the United States
18 Attorney's Office prosecuting securities fraud,
19 financial fraud, tax fraud, money laundering, and
20 other financial crimes.

21 Since 2022, Milton Williams has served as
22 the Chair of the Conflicts of Interest Board. He is
23 also a partner at Walden, Macht, and Haran where he
24 specializes in white collar criminal defense work. He
25 has also served as Deputy General Counsel and Chief

2 Compliance Officer at Time, Incorporated, as a
3 prosecutor in the Manhattan District Attorney's
4 Office and in the Securities and Commodities Fraud
5 Unit of the United States Attorney's Office and in
6 2013, he was appointed to co-chair the Moreland
7 Commission to investigate public corruption.

8 I look forward to hearing from each of
9 you about what you will bring to your roles and how
10 you hope to promote the public's trust in government
11 and the work of COIB in particular. Thank you so much
12 for being with us today. Mr. Chair.

13 CHAIRPERSON POWERS: Thank you. I also
14 want to congratulate you both on your nomination and
15 renomination.

16 Background, the Conflict of Interest
17 Board is the entity that serves to provide clear
18 guidance to public employees regarding the conflict
19 of interest laws codified in Chapter 68 of the New
20 York City Charter. The Board is tasked with achieving
21 this goal through training, education, and the
22 issuance and publication of advisory opinions related
23 to conduct that may violate the City's Conflicts of
24 Interest Law. The Board also adopts rules to
25 implement and interpret the provisions of the

2 Conflicts of Interest Laws. It reviews and makes
3 decisions on alleged conflict violations. It has the
4 power to impose penalties, including fines up to
5 25,000 per violation, suspension, or dismissal of
6 City employees when deemed appropriate. The Board
7 also collects and reviews financial disclosure
8 reports.

9 The Board consists of five members who
10 are appointed by the Mayor with the advice and
11 consent of the City Council. The Mayor must also
12 designate one of these members as chair of the board.

13 The Charter states that these members
14 should be chosen for their independence, integrity,
15 civic commitment, and high ethical standards. Board
16 members serve for staggered six-year terms and are
17 prohibited from serving more than two consecutive
18 six-year terms. Board members are required to meet at
19 least once per month and are prohibited from holding
20 public office, seeking election to any public office,
21 being a public employee in any jurisdiction, holding
22 political party office, or appearing as a lobbyist
23 before the City. Board members are entitled to
24 receive compensation in the amount of 250 dollars for
25 each calendar day they perform work for the board.

2 The chair is entitled to receive 275 dollars per day
3 of service.

4 Today we are joined by Milton Williams,
5 who has been nominated by the Mayor for reappointment
6 to the Conflicts of Interest Board. If the Council
7 grants its advice and consent, he will be appointed
8 to serve a six-year term, beginning on April 1, 2024,
9 and expiring on March 31, 2030. Mr. Williams was
10 first appointed to the Conflicts of Interest Board in
11 2022 for the remainder of a term that will expire on
12 March 31, 2024. Upon his appointment in 2022, Mayor
13 Adams designated him as a chair.

14 We're also joined by Amy Millard, who has
15 been nominated by the Mayor for appointment to the
16 Conflict of Interest Board to serve a six-year term
17 beginning April 1, 2024, and expiring March 31, 2030.

18 I want to welcome you both. Thank you for
19 being here today.

20 I also want to acknowledge we've been
21 joined by Council Member Salamanca.

22 If you can raise your right hands to be
23 sworn in, we'll swear you in and then we will head
24 over to your opening statements.

2 COMMITTEE COUNSEL CAMPAGNA: Do you affirm
3 to tell the truth, the whole truth, and nothing but
4 the truth in your testimony before the Committee and
5 in answer to all Council Member questions?

6 MILTON L. WILLIAMS: I do.

7 AMY E. MILLARD: I do.

8 CHAIRPERSON POWERS: Thank you. We are
9 going to now hear your opening statements.

10 We will first start with Ms. Millard and
11 then we will head over to Mr. Williams and then after
12 that we'll head to questions. Thanks.

13 AMY E. MILLARD: Thanks. Good afternoon,
14 Chair Powers, Speaker Adams, and distinguished
15 Members of the Committee on Rules, Privileges and
16 Elections. It is an honor to be here today, and I
17 thank you for the opportunity to appear before you.

18 The Conflicts of Interest Board is
19 critically important, because it promotes public
20 trust in city government. I want to serve because it
21 will give me the opportunity to use my experience and
22 the skills I developed in the criminal justice
23 system, both as a government lawyer and in private
24 practice, to ensure that public servants adhere to
25 ethical standards and guidelines.

2 The guidelines established and maintained
3 by the Board are critical in ensuring that city
4 government is fair and, equally important, that it is
5 perceived as fair. I grew up in a small town in
6 Nassau County where I attended public school. My
7 parents were of the generation who, following World
8 War II, returned to civilian life, started families,
9 and ventured out of New York City to the nearby
10 suburbs.

11 I was the first one in my family to go to
12 college, and I left New York at age 17 to attend a
13 small liberal arts college just outside of Chicago.
14 After two years, missing both the diversity of New
15 York and my family, I transferred to Barnard College
16 of Columbia University, and I never left New York
17 again. I've lived in the city for 52 years. After
18 graduating from Barnard, and then getting a master's
19 degree in history at NYU, I spent some time teaching
20 college students at Bronx Community College to
21 improve their literacy and then worked at a non-
22 profit, United Jewish Appeal.

23 In 1980, I returned to school, getting my
24 law degree from NYU in 1983. I was privileged to
25 attain a two-year clerkship with a federal judge in

2 Manhattan, the Honorable Whitman Knapp, who, before
3 being appointed to the bench, served as chair of the
4 Knapp Commission on Police Corruption. My early
5 training as a lawyer came from Judge Knapp. It was
6 from him that I first learned the importance of
7 respectful listening, careful and critical analysis
8 of facts, understanding the law, applying the law to
9 facts, and exercising judgment. I observed how our
10 system of justice worked best when both the
11 government and the defense were represented by
12 experienced, competent attorneys of integrity. It was
13 my experience during the clerkship, seeing dozens of
14 lawyers appear before the judge in both civil and
15 criminal matters that led me to choose a career in
16 the criminal justice system, choosing to deal with
17 issues related to life and liberty, rather than
18 monetary damages.

19 I served as a federal prosecutor in the
20 Southern District of New York for nine years.
21 Although there were guidelines as to which cases must
22 be brought, I was given wide discretion when the
23 circumstances warranted as to both charging decisions
24 and recommendations concerning sentencing to the
25 Probation Department whose advice judges often took

2 into account. I mentored new Assistant United States
3 Attorneys in learning analytical skills and applying
4 judgment and discretion to the matters they handled,
5 and I was on the hiring committee making decisions
6 about who among the extremely talented and qualified
7 applicants had the experience and judgment to join
8 the U.S. Attorney's office.

9 After serving nine years as an Assistant
10 United States Attorney, I moved on, starting my own
11 law practice, and shortly thereafter, accepted an
12 offer to join a small law firm as a partner. My areas
13 of focus were largely financial regulations, tax, and
14 bribery. When I became a criminal defense lawyer, I
15 utilized the same skills I had honed as a federal
16 prosecutor, careful listening, careful analysis of
17 facts, presenting those facts to the government, and
18 encouraging them to use their discretion wisely. I
19 was proud to continue with a role in the criminal
20 justice system. During my time in private practice, I
21 continued to serve the public. I served on the New
22 York City Bar Association's Criminal Law Committee,
23 which addresses criminal justice policy issues, and
24 also served on the Judiciary Committee, which
25

2 evaluates the fitness of candidates for judicial
3 office.

4 I also served in leadership positions in
5 professional associations. I helped found and chaired
6 the New York chapter of the Women's White Collar
7 Defense Association and served on its executive
8 board. The WWCDA is a national and international
9 association dedicated to mentoring women in the field
10 and encouraging diversity in the practice of white-
11 collar criminal defense.

12 I have also been involved in charitable
13 work for decades, serving in leadership positions at
14 United Jewish Appeal Federation of New York.
15 Throughout my practice, I have taught and spoken on
16 ethics and conflicts of interest rules, both to law
17 students in workshops at Harvard Law School and
18 Cardozo Law School and to attorneys on professional
19 panels at the New York City Bar Association.

20 In my own practice, both as a prosecutor
21 and as a defense lawyer, I have always been keenly
22 aware of recognizing and evaluating conflicts issues,
23 often consulting with conflicts experts, both when I
24 was at the U. S. Attorney's Office and in private
25 practice.

2 Distinguished Councilmembers, I believe
3 that my years of experience as an attorney, both in
4 private practice and with the federal government, my
5 civic and charitable work, and my experience speaking
6 on, teaching, and evaluating conflicts issues qualify
7 me to sit on the Conflicts of Interest Board.

8 I would welcome the opportunity to do so.
9 I'm happy to answer any questions you might have.

10 CHAIRPERSON POWERS: Thank you. We'll now
11 hear testimony from Mr. Williams and then we'll go to
12 questions.

13 MILTON L. WILLIAMS: Thank you.
14 (INAUDIBLE) for the last year and five months, it has
15 been my privilege to serve as the chair. I am a
16 product of New York City. I grew up in four of the
17 five boroughs. I was born and lived over by Taft High
18 School and College Avenue then moved to Queens in
19 Rochdale Village for a while, and then came back to
20 the Bronx where I lived most of the time when we came
21 back right by the courthouse, Walton Avenue, Grand
22 Concourse area, George Comer park, where the old
23 Yankee Stadium was, and then moved to, oddly enough,
24 the South Shore of Staten Island and lived in Arden
25 Heights and went to high school in Staten Island and

2 graduated from Monsignor Farrell High School so I've
3 been all over the place and very familiar with the
4 city and its different constituencies. The idea that
5 public service is a public trust has guided my
6 professional career. I've served as an Assistant U.S.
7 Attorney in the U.S. Attorney's office for the
8 Southern District of New York, where I had the
9 privilege of working with Amy Millard and actually
10 worked a couple of cases together. I also worked as
11 an Assistant District Attorney in the Manhattan
12 District Attorney's office as co-chair of the
13 Moreland Commission to investigate public corruption,
14 as a member of the Cardinals Review Board of all of
15 allegations of improper relations between clergy and
16 minors, and as a member of various attorneys
17 grievance committees, both at the federal and the
18 state level.

19 I have consistently worked to ensure that
20 people with authority in our society act with
21 integrity and serving as the chair of the Conflicts
22 of Interest Board has afforded me a unique
23 opportunity to continue to do so. The Conflicts of
24 Interest Board is a tiny City agency that serves a
25 big purpose, protecting the public's trust in

2 government. That public trust is the lifeblood of
3 everything our City does because government depends
4 on the hard-earned faith that public servants at
5 every level of government are doing their work in the
6 interest of the city and its residents rather than
7 their own private interests. No group of public
8 servants are more devoted to serving this mission
9 than my hard-working fellow board members and the
10 agency's dedicated staff.

11 Under the City Charter, the board is
12 charged with four main responsibilities, training,
13 advice, annual disclosure, and enforcement. These
14 responsibilities reflect both the organizational
15 structure of our office and the pillars of our
16 endeavor to keep conflicts of interest out of City
17 government by teaching public servants about
18 Conflicts of Interest Law, giving practical legal
19 guidance about complying with the Conflicts of
20 Interest Board, providing transparency about the
21 financial holdings of high-level public servants, and
22 enforcing the law fairly and equitably when it has
23 been violated.

24 I believe the Conflicts of Interest Board
25 has continued to successfully accomplish these four

2 main and important responsibilities during my
3 relatively brief time as chair. I very much hope to
4 be confirmed for a full six-year term so that I can
5 continue to serve the mission of the critical
6 Conflicts of Interest Board and the city that I love.

7 CHAIRPERSON POWERS: Thank you. If you
8 went to St. Joe's by-the-Sea, you would have went to
9 the same school as Joe Borrelli, I'm sorry to tell
10 you that, he's not a (INAUDIBLE) guy.

11 MILTON L. WILLIAMS: Changing my opinion
12 on what I told you earlier about how lovely...

13 CHAIRPERSON POWERS: We're now going to
14 head into questions. We're going to start with the
15 Speaker and then myself, and we'll open up to Members
16 as well. We'll start with speaker Adrian Adams.

17 SPEAKER ADAMS: Thank you so much once
18 again, Mr. Chair.

19 Mr. Williams, it's good to see you back.

20 MILTON L. WILLIAMS: Thank you.

21 SPEAKER ADAMS: I'll start my questions
22 for you. Charter Section 2603 requires the Board to
23 consult with the Mayor before it assesses penalties
24 if the violating public servant is the head of an
25 agency. Does this requirement prevent COIB from

2 assessing penalties against the Mayor without his
3 consent?

4 MILTON L. WILLIAMS: Based on my
5 experience as Board Chair, the consultation
6 requirement of Charter Section 2603-H has not
7 impacted the Board's independence, even with regard
8 to the Mayor himself. The vast majority of Board
9 enforcement actions are resolved by settlement where
10 the consultation requirement of Charter 2603-H3 does
11 not really come into play. In a small minority of
12 cases where a hearing is held after which the Board
13 has found a violation of Conflicts of Interest Law,
14 the consultation requirement does not impact the
15 Board's ability to be independent and autonomous. The
16 Charter only requires the Board to consult with the
17 agency served by the public servant but gives the
18 power to the Board to act independently regardless of
19 any agency consideration.

20 SPEAKER ADAMS: Okay. How do you ensure
21 COIB's independence from the Mayor?

22 MILTON L. WILLIAMS: By holding everybody
23 who comes before COIB to the same high standard,
24 evaluating it carefully and not treating anyone
25 differently.

2 SPEAKER ADAMS: Okay. Okay.

3 MILTON L. WILLIAMS: No matter what their
4 position is.

5 SPEAKER ADAMS: Recently, the Mayor's
6 brother resigned from his position as head of the
7 Mayor's Security Detail. It's been reported that COIB
8 required the Mayor to pay his brother 1 dollar per
9 year, instead of the 210,000 dollar salary associated
10 with the position, and I've got some questions for
11 you along those lines as well, about your opinion as
12 an ethics expert about these types of arrangements in
13 government. In your opinion, Mr. Williams, as an
14 ethics expert, should COIB analyze the family
15 member's financial status to evaluate the risk of the
16 family member accepting other compensation prohibited
17 under Chapter 68?

18 MILTON L. WILLIAMS: Everything should be
19 evaluated. I must say, and I don't mean to be the
20 least bit reticent or reluctant to answer your
21 question, I'd be careful because of the
22 confidentiality requirement within COIB. I also have
23 to be careful about giving opinions. When we reach a
24 conclusion at COIB, it is a collaborative and
25 consensus building exercise amongst all five members

2 of the Board so when that happens, we talk, discuss,
3 go back and forth on what the issues are, and then
4 with guidance from the staff, who's excellent, we
5 reached a conclusion. Now, I don't know that I'm at
6 liberty to discuss that particular case and, quite
7 frankly, I don't necessarily remember all the facts
8 and details of it, but I can tell you in the process
9 of going through the deliberations and evaluating, we
10 have all the information on any case at our disposal
11 and we kind of work through the issues.

12 SPEAKER ADAMS: Okay. So we'll move away
13 from the specificity of that, and we'll just speak in
14 general terms. In your opinion, or let's say in
15 keeping with the spirit of Chapter 68 for high-level
16 public servants to be able to directly hire family
17 members for positions of influence so long as they
18 are able to forego salaries and, if so, doesn't this
19 no salary accommodation benefit people who are
20 independently wealthy over people who have to work
21 for a living?

22 MILTON L. WILLIAMS: It would depend. I
23 would have to hear a specific case. I'm very leery or
24 wary about forming an opinion without having all the
25 facts in front of me of the specific case. I will say

2 this. My experience on the Board is that no one is
3 given preferential treatments, no one, and we, as a
4 Board, I can say this as a general matter, bend over
5 backwards to make sure that doesn't happen nor could
6 it be perceived that way.

7 SPEAKER ADAMS: Okay. That's good to hear.
8 Let's talk about something else. Recently the FBI
9 actually arrested a large number of mid-level
10 managers at NYCHA for allegedly taking bribes in
11 connection with the issuance of contracts. When law
12 enforcement arrests and charges public servants for
13 alleged crimes that may fall within a category of
14 activity prohibited by Chapter 68, to what extent
15 does COIB have to defer to law enforcement, and to
16 what extent is COIB able to conduct its own
17 independent investigation?

18 MILTON L. WILLIAMS: My understanding of
19 how the process works is the criminal investigation
20 will go along and proceed on its own separate track
21 and, if something comes to us, we will evaluate it
22 and make our own judgments based on the evidence that
23 we have.

24 SPEAKER ADAMS: Okay. In looking at your
25 responses to pre-hearing questions, you informed us

2 that budget cuts have resulted in a 12 percent
3 reduction in COIB's headcount, and this impacts how
4 the agency does perform its performance work? How has
5 the head count reduction impacted COIB?

6 MILTON L. WILLIAMS: The staff works very
7 hard and very diligent and we really, as a Board, are
8 blessed. We have all the information at our disposal
9 and carefully evaluated case studies so that we
10 really are well-informed and, if there's something we
11 don't have that we feel we need, the staff is always
12 willing to go back and get it. Obviously, if we had
13 more staff, we could do even more. There's certain
14 limitations. Cutting the staff of COIB, without the
15 cuts, the staff was already working very hard, and
16 with the cuts it, they might be a little bit
17 overburdened, but I've heard no complaints so far.

18 SPEAKER ADAMS: That's a good thing. Has
19 the budget been restored in the Mayor's Preliminary
20 Budget Proposal at all?

21 MILTON L. WILLIAMS: I'm not aware.

22 SPEAKER ADAMS: Okay. Going back to your
23 pre-hearing questions, you wrote that in spite of a
24 12 percent loss of staff due to budget cuts,
25 including the loss of a trainer, "COIB is in good

2 condition." How many remaining full-time trainers do
3 you have on staff to train the 300,000 City employees
4 on how to avoid violating Chapter 68?

5 MILTON L. WILLIAMS: We have a handful. I
6 don't know the specifics. I know that what COIB is
7 very adept at doing is people will pitch in when
8 needed.

9 SPEAKER ADAMS: That's great to hear too.
10 Half of COIB's mission is to train City employees on
11 compliance with Chapter 68, and you stated in your
12 responses to our written questions that the most
13 effective to introducing COIB to City employees is
14 its training program. How can we justify the
15 assertion that COIB is in good condition when such a
16 significant portion of its mission critical work is
17 understaffed?

18 MILTON L. WILLIAMS: It's understaffed,
19 but that really is a tribute to how hard the staff at
20 COIB works, and they do work very hard.

21 SPEAKER ADAMS: I believe you. I get the
22 emails. When you come before the Council next month,
23 during our critical budget hearings, you're going to
24 request an increase in funding we're sure of that to
25

2 restore your headcount. Do you have any idea how much
3 of an increase you're going to be looking for then?

4 MILTON L. WILLIAMS: At this particular
5 time, it's still being discussed and I need to
6 discuss and defer to the Executive Director and
7 General Counsel of COIB in helping me to assess what
8 is needed. Obviously, when I come before the Council,
9 I'll have good justifications for what is asked for.

10 MILTON L. WILLIAMS: Okay. I thank you
11 very much. I'm going to defer back to the Chair.

12 CHAIRPERSON POWERS: Thank you. Just a few
13 questions, and I'm going to hand it over to my
14 Colleagues here as well.

15 I just want to follow up. I understand
16 you can't speak about specific instances, but I want
17 to understand just the application of Chapter 68 that
18 has spanned a few administrations here when we talk
19 about specific instances around family members and
20 compensation. Can you just explain to us what you
21 believe are the laws surrounding the ability to hire
22 a family member a what prohibitions exist?

23 MILTON L. WILLIAMS: My understanding is
24 the Board has to evaluate, whether or not, A, there
25 could be an actual conflict of interest, and there's

2 more of a summary, fifty-thousand-foot view in terms
3 of how I approach it, whether or not there is or
4 could be an actual conflict of interest, and the
5 other piece to it in terms of the perception of the
6 independence and autonomy of the Board is whether or
7 not it can be perceived as a conflict of interest,
8 and that's how I personally would approach the facts
9 and circumstances when they are presented to me.

10 CHAIRPERSON POWERS: So the factual
11 application of whether it's a conflict and the
12 perception as well, is that correct to say?

13 MILTON L. WILLIAMS: I'm saying me,
14 personally, I would look at the perception because
15 sometimes perception becomes very important. Now
16 look, sometimes it's a divergence between whether or
17 not there's an actual conflict and whether or not
18 there's a perception of it, and if there's no actual
19 conflict, then that's, in my opinion, what should
20 control, but I am sensitive to the perception.

21 CHAIRPERSON POWERS: Okay. Understood.
22 What would constitute a conflict then in this sense?

23 MILTON L. WILLIAMS: If someone is
24 receiving a position because of a particular, I'm
25 just saying in general, okay, if, A, they're not

2 really qualified for the position and, B, they're
3 being placed there, maybe they give an advantage to
4 somebody.

5 CHAIRPERSON POWERS: Okay, and does
6 financial compensation have anything to do with that
7 equation, whether you are compensated or not?

8 MILTON L. WILLIAMS: It could. We have to
9 look at a myriad of factors, but it absolutely could.

10 CHAIRPERSON POWERS: Okay. Are there
11 examples in recent memory where a family member has
12 been denied a position?

13 MILTON L. WILLIAMS: Not that I recall.

14 CHAIRPERSON POWERS: Sorry, where COIB has
15 stated that it's a conflict to hire a family member
16 even for minimal compensation?

17 MILTON L. WILLIAMS: A, not that I recall,
18 and, B, again, I have to be careful about discussing
19 specific cases.

20 CHAIRPERSON POWERS: I'm not asking you to
21 speak any specific cases. I understand your point,
22 but I think there would be certainly, the beginning
23 part of your answer seems satisfactory, which is not
24 in your understanding, okay. Putting aside the
25 specific example the Speaker was talking about, I

2 think that's also what we're trying to understand
3 here sometimes is how the application of the law and
4 what the spirit of the law says relative to that
5 hiring of a family member because we've seen it
6 happen in other administrations as well. It's not
7 just about one situation in the current moment. You
8 have something else to add to that?

9 MILTON L. WILLIAMS: Yeah. Rest assured
10 that each circumstance is evaluated carefully. I
11 don't want to say that there's heightened scrutiny to
12 particular circumstances over others. There's a high
13 standard for everyone, and the Board is very diligent
14 about evaluating each set of facts.

15 CHAIRPERSON POWERS: But I might want
16 there to be higher scrutiny. We might want there to
17 be higher scrutiny in the case of a family member
18 being hired.

19 MILTON L. WILLIAMS: I would assert that
20 the standards that the Board employs in terms of
21 evaluating these facts and circumstances are high
22 enough that you could say everything's under
23 heightened scrutiny.

24 CHAIRPERSON POWERS: Okay, that's a good
25 answer.

2 I also want to recognize we've been
3 joined by Council Member Hudson here as well.

4 We talked about the budget cuts and I
5 think budget. I wanted to ask a question. You are an
6 accomplished attorney and certainly I think sensitive
7 to this issue, which is in a question in our pre-
8 hearing questions that we submitted and your
9 responses you submitted, we had asked whether City
10 employees under investigation should be provided
11 counsel, I'm saying underlining the should be
12 provided counsel. The answer, I think you had said
13 basically under the current practice, many will
14 receive representation through a labor union. I want
15 to re-ask that question with the spirit of the
16 question in mind, or the factual question in mind,
17 which is, should a City employee be provided
18 representation when they are in an investigation and
19 have your opinion.

20 MILTON L. WILLIAMS: When you say should
21 they be provided, COIB is not in charge of providing
22 anyone counsel so it's really up to the individuals.

23 CHAIRPERSON POWERS: Sure, but where the
24 question is, in your opinion, your experience as
25 chair of COIB, seeing individuals come before you and

2 coming before the agency, do you believe there should
3 be a policy of providing representation to somebody
4 to make sure that they are able to navigate that
5 process?

6 MILTON L. WILLIAMS: I don't want to get
7 out over my skis without having the ability to
8 consult with my other Board members. Okay. That would
9 be important here because we're really consensus
10 building and collaborative. I will say this so I
11 don't skirt your...

12 CHAIRPERSON POWERS: Your personal
13 opinion.

14 MILTON L. WILLIAMS: Skirt your question.
15 I think in a lot of instances that I've seen, both in
16 civil and criminal circumstances, in employment
17 situations in big companies, that if an individual is
18 able to have a counsel just as a sounding board and
19 to be there to represent him, it could be helpful,
20 yes.

21 CHAIRPERSON POWERS: I would think it
22 would be helpful.

23 MILTON L. WILLIAMS: It could be if the
24 attorney is good.

2 CHAIRPERSON POWERS: Okay, spoken like an
3 attorney.

4 I'm going to move over to some Colleagues
5 to ask questions and make some comments. I may come
6 back and have a couple of questions for you. We first
7 have Council Member Borelli.

8 COUNCIL MEMBER BORELLI: Yeah, just a
9 statement to you, Mr. Williams. I just want to point
10 out and say on the record that many of us on the
11 Council appreciate the work that you guys do. All of
12 us are elected because we are entangled in our
13 communities with friends and local business owners
14 and family members, all of whom have whether it's a
15 permit or a contract, some dealing with the City, and
16 we all have our own investments in life. Your folks
17 have been such a great sounding board, and I thought
18 I was the only one bothering them, but then over the
19 last 10 years in the Council, it turns out a lot of
20 my Colleagues have gone to them and asked for advice
21 and have received very clear advice on what you can
22 do, what you can't do. Almost all of us are here for
23 the right reasons, and it is appreciated that we get
24 very quick and clear answers on things so I just
25 wanted to say thank you.

2 MILTON L. WILLIAMS: Thank you very much,
3 and most of the credit goes to Carol and Ethan and
4 their staff.

5 CHAIRPERSON POWERS: Thank you. Thank you,
6 Council Member Borelli. Getting extra points with the
7 Conflicts of Interest Board today.

8 Before I move over to other Colleagues, I
9 just wanted to ask a followup question, and this is
10 for you as a current chair. What is the guidance
11 given to staff there? I agree that I think every
12 example I've had has been extremely helpful,
13 extremely informative when we have questions about
14 it, and I think that's extremely important,
15 especially for City employees who may be going
16 through a difficult, complicated question and trying
17 to seek advice, but what is the advice given when it
18 comes to members, certainly, I'll give you an
19 example. What if a City employee comes to you, an
20 employee, and raises a question to you that could, in
21 fact, put them into violation by the nature of you
22 asking the question. Does that trigger any sort of
23 process that might penalize them for that, or what is
24 the advice given to folks when they are seeking
25 advice from the Conflict of Interest Board?

2 MILTON L. WILLIAMS: My understanding and
3 my edict is to be fair so if someone's coming to ask
4 a question, they should be treated fairly, they
5 should be given the pros and cons, and given
6 objective advice in how they should proceed.

7 CHAIRPERSON POWERS: Is there any instance
8 where that is forwarded then on to a process that
9 could be punitive for them?

10 MILTON L. WILLIAMS: Not that I'm aware
11 and not that I would endorse, okay? I think the idea
12 of having an advice line is to help people avoid that
13 situation. We don't want a situation where, and for
14 lack of a better phrase, I don't have a legalistic
15 phrase for it, we don't want to play a game of
16 gotcha, okay.

17 CHAIRPERSON POWERS: Okay. Thank you. I
18 think Council Member Brooks-Powers, did she leave? I
19 think she left. She had a question, but I think it
20 was asked by the Speaker around budget cuts and had
21 asked me to say thank you for your time discussing
22 your credentials.

23 We're going to keep moving on. We have
24 Council Member Farías followed by Council Member
25 Hudson.

2 COUNCIL MEMBER FARIÁS: Thank you, Chair.
3 Good morning or afternoon at this point. I think it's
4 a wonderful day. Just a couple of quick questions,
5 and I have questions for the both of you, but I'll
6 start with you, Mr. Williams. How does recommending a
7 minimal salary reduce or eliminate the perception of
8 a conflict of interest between a supervisor who has
9 reporting relationship with someone associated with
10 the supervisor?

11 MILTON L. WILLIAMS: It may or may not,
12 depending on the specific facts. Again, I don't mean
13 to be avoid or circumvent this question.

14 COUNCIL MEMBER FARIÁS: We're just trying
15 to find different ways to ask the question.

16 MILTON L. WILLIAMS: No, it's fine. I just
17 have to be careful because what I don't want to do is
18 we have so many cases that come in and so much that
19 we evaluate, even in the year and five months I've
20 been there, that I don't want to make any statements
21 here that would seemingly contradict something that
22 the Board might do depending on what facts come in
23 because it could be different. Everything is very
24 fact-specific and fact-sensitive. Look, I guess the
25 perception is if there's no salary, then it may

2 minimize or reduce the possibility of a conflict of
3 interest, but not necessarily, okay. Depends on all
4 the facts.

5 COUNCIL MEMBER FARIÁS: Okay, thank you so
6 much. When COIB receives reports that the FBI or
7 other law enforcement organization is investigating
8 activity that could fall into the category of
9 activity prohibited by Chapter 68, how does COIP
10 decide whether to request DOI initiate its own
11 investigation?

12 MILTON L. WILLIAMS: Has there been a
13 specific complaint that came to COIB? My
14 understanding and, again, I would defer to the staff
15 and to the Executive Director, but I don't know that
16 we, in some cases we, we might or might not pick, I'm
17 unaware of anything that has come in as a result of a
18 media report, okay, and I'd be very, personally,
19 okay, wary about necessarily opening an investigation
20 based on a media report, okay. I think normally the
21 way it works, we have more and there's specifics that
22 are given to COIB before they open an investigation.

23 COUNCIL MEMBER FARIÁS: Okay. Thank you.
24 Hi, Ms. Millard.

2 AMY E. MILLARD: Hello. You've spent the
3 last 27 years as a white-collar criminal defense
4 lawyer defending individuals accused of financial
5 fraud, securities fraud, market manipulation, mail
6 and wire fraud making false statements, and
7 obstruction of justice. Why do you now want to sit on
8 a board that punishes people for misuse of position?

9 AMY E. MILLARD: Thank you. The reason
10 that I want to sit on this Board is because this
11 Board is an incredibly important public service. It's
12 important because it promotes public trust in City
13 government. It's important because it ensures that
14 public servants adhere to high ethical standards.
15 It's important because the guidelines and standards
16 that the Board maintains ensure that City government
17 is fair and that it's perceived as fair, which is
18 equally important. I've always been involved in
19 public service. I've been involved in public service
20 throughout my entire career, and this is, seems to me
21 like an incredibly important opportunity to continue
22 that in a significant way.

23 COUNCIL MEMBER FARÍAS: Thank you so much.
24 What experience do you have providing ethics

2 trainings and educating ethical issue that you
3 believe has prepared you for this role?

4 AMY E. MILLARD: Sure. Thank you for that
5 question. I've taught ethics for decades. I've taught
6 ethics and conflicts issues at Harvard Law School,
7 the Trial Advocacy Workshop, at Cardozo Law School,
8 the Intensive Trial Advocacy Program. I've taught an
9 annual program at the New York City Bar Association,
10 specifically on ethics and conflicts, identifying
11 ethics and addressing ethics and conflicts issues
12 and, frankly, in my own practice both as a prosecutor
13 and as a defense lawyer, I've spent my entire career
14 identifying conflicts issues, addressing them,
15 seeking advice on them and going to experts when
16 necessary.

17 COUNCIL MEMBER FARIÁS: Thank you for that
18 response. Though you would be new to the Conflicts of
19 Interest Board, you have extensive experience with
20 the penal system. Based on your experience, would
21 COIB benefit from having an explicit model for
22 assessing fines for violations and, if so, what would
23 be the advantages or disadvantages of having such a
24 model or guidelines?

2 AMY E. MILLARD: Sure. My understanding is
3 that COIB has a holistic approach to taking into
4 account fines and penalties. Guidelines, I have found
5 from my experience as an attorney are helpful in
6 providing a model. Within the criminal justice
7 system, there are federal sentencing guidelines. At
8 first, they were mandatory. Over the years, the
9 criminal justice system found that mandatory
10 guidelines don't actually always ensure fair
11 sentencing, and so I think that guidelines are always
12 helpful. They enable people deciding penalties to
13 know ranges of what is considered to be similar
14 penalties for similar conduct, and so I actually do
15 think that it could be useful as long as they are
16 guidelines.

17 COUNCIL MEMBER FARIÁS: I appreciate that
18 response. I'm done for questions now. Thank you.

19 AMY E. MILLARD: Thank you.

20 CHAIRPERSON POWERS: Thank you, and now
21 we'll go to Council Member Hudson.

22 COUNCIL MEMBER HUDSON: Thank you so much
23 and good afternoon. I would like to be associated
24 with the remarks of Council Member Borelli. I think
25 COIB is an amazing resource, and I think more people

2 should be calling and asking questions before getting
3 into whatever it is they're doing but wanted to ask
4 Mr. Williams, only because this is a reappointment
5 for you and so we don't have exactly the same
6 questions that we do have for Ms. Millard, and I'm
7 just curious to know, I don't think that this
8 necessarily clouds one's judgment, and I don't think
9 that it would preclude certainly support. I think
10 both of you seem like excellent candidates, but I'm
11 just curious to know, have you ever donated to the
12 Mayor's campaign?

13 MILTON L. WILLIAMS: I hope he's not mad
14 at me, but no.

15 COUNCIL MEMBER HUDSON: Okay. Thank you.
16 That's all for my question.

17 CHAIRPERSON POWERS: Thank you. We have a
18 question from Speaker Adrienne Adams.

19 SPEAKER ADAMS: Just to follow up, Ms.
20 Millard, much along the same lines as what the Chair
21 asked Mr. Williams regarding provision of counsel. In
22 your written answers to a pre-hearing written
23 question asking whether City employees should be
24 provided counsel, you answered that you thought doing
25 so would benefit the process. Can you explain why?

2 AMY E. MILLARD: Sure. In my experience,
3 both as a federal prosecutor and as a defense lawyer,
4 but especially as a federal prosecutor, I found that
5 the system worked best when both sides had competent
6 counsel of integrity. As a prosecutor, I found that
7 in order to have the system be fair, you needed
8 someone on the other side. There's the risk, not with
9 me, but there was a risk with some that a prosecutor
10 actually take advantage of a pro se defendant, and I
11 found that the system is designed to work when it's
12 fairly equal on both sides, when people have equal
13 skills, and that's why I actually think it benefits
14 the system.

15 SPEAKER ADAMS: I would agree with you a
16 thousand percent. Thank you.

17 CHAIRPERSON POWERS: Thank you. I just
18 want to ask a few more questions before we go on.

19 Ms. Millard, you mentioned being a
20 federal prosecutor, you mentioned also working in
21 defense. Can you talk about just a little more your
22 desire and interest to be part of this process using
23 that experience and what you think the benefits of
24 that experience on both sides lends itself towards a
25 specific position?

2 AMY E. MILLARD: Sure. Thank you. Both as
3 a starting with the judge, my clerkship with the
4 judge, as a prosecutor and as a defense lawyer, I
5 spent decades learning certain skills which I think
6 are skills that would be beneficial to have as a
7 Board member. One of the most important was having an
8 open mind, listening carefully, doing a critical
9 analysis of facts, understanding the law, applying
10 the law to the facts, and equally important using
11 judgment and discretion. One of the things that I did
12 at the U.S. Attorney's Office was I mentored less
13 experienced prosecutors, and one of the things that I
14 did with them was, one, to help them understand the
15 system to help them with cases, but I think the most
16 important thing that I did with them was to try and
17 bring them along and teach them about using judgement
18 and discretion, and so I think all of those things, a
19 critical analysis of all the facts and all the
20 circumstances and applying judgment are what I would
21 bring.

22 CHAIRPERSON POWERS: Okay. Thank you.
23 We're talking obviously about the part where folks
24 are potentially being penalized or going to receive a
25 punishment for something that happened. Obviously,

2 the other side of the equation is preventing that
3 from happening, which is also a function of your
4 agency. In your research and getting prepared for
5 this hearing, is there anything that you see at the
6 agency today, this isn't a criticism of your
7 colleague, I hope you know and I know he won't take
8 it this way, but any way that you see that the agency
9 can be improving the preventative function, whether
10 it's education, training, other measures or tools or
11 in your past experience you've seen ways to make sure
12 that the hundreds of thousands of City employees that
13 are impacted by you as this agency, if you are
14 appointed, are not getting to that point in time,
15 understand clearly the law, are trained in it,
16 trained in best practices, know exactly how to reach
17 out to the Conflict of Interest Board, have the
18 confidence to reach out to the Conflict of Interest
19 Board if needed, things like that, where we might
20 want to make enhancements or improvements to those
21 pre-penalty parts of the job.

22 AMY E. MILLARD: Sure. I agree with you a
23 hundred percent that education and training and
24 publicity about conflicts, publicity about education
25 and training are absolutely critical. There's no

2 substitute for actual experience and so, if I'm
3 confirmed, it will be my first experience with the
4 Board, and so I would be hesitant to make suggestions
5 for changes and improvements to something that I do
6 not yet have firsthand experience with. I have
7 experience with training and with education, and I
8 would look forward to making suggestions and sharing
9 ideas once I have real-time experience with the
10 board.

11 CHAIRPERSON POWERS: Okay. I just want to
12 go back to Mr. Williams for a second, but you're both
13 free to answer this question. In your in your
14 experience here, are there areas where the Conflicts
15 of Interest Board does not have power, duty, or
16 responsibility that you would like to see it have?

17 MILTON L. WILLIAMS: Not that I've seen
18 yet.

19 CHAIRPERSON POWERS: Okay. Any suggestions
20 on that front, Ms. Millard.

21 AMY E. MILLARD: I don't have at this
22 time.

23 CHAIRPERSON POWERS: To be determined.

24 AMY E. MILLARD: Yeah.
25

2 CHAIRPERSON POWERS: Okay. Thank you. Do
3 we have any other questions? Okay.

4 Thank you. First of all, congratulations
5 both to you on your nomination, renomination. You
6 should feel honored by that and highly qualified to
7 be sitting here.

8 Seeing no other questions, you guys are
9 allowed to go, and we'll head over to the public
10 testimony.

11 MILTON L. WILLIAMS: Thank you very much.

12 CHAIRPERSON POWERS: Thank you. Thanks so
13 much.

14 AMY E. MILLARD: Thank you very much.

15 CHAIRPERSON POWERS: We will now open up
16 the floor to the public for comments. If you wish to
17 speak, you can fill out an appearance card with the
18 Sergeant-at-Arms and wait to be recognized. We ask
19 that you please limit your comments to two minutes.

20 If you have a written statement, please
21 provide a copy of that statement to the Sergeant-at-
22 Arms.

23 We have one card that has been submitted.
24 It is Christopher Leon Johnson. You may appear. You
25 have two minutes, on topic.

2 CHRISTOPHER LEON JOHNSON: Hey. Hello,
3 Speaker. Hello, Mr. Powers, Chair. First of all,
4 Keith, thank you for showing up on Saturday to the
5 Saint Vitus Bar. I hope that we push, keep on, yeah,
6 you showed the whole Saint Vitus Bar. I know. I know
7 I'm off topic. Sorry about that, but thank you.

8 I'm going to say about the appointments.
9 I'm kind of bored so I just going to just come and
10 see what it's about. Appoint those two, please.
11 Appoint the new person, the lady that was here
12 recently. Please appoint those two. I love the
13 speeches. I love how they answered every question. I
14 loved how he answered, the guy who is already here,
15 Mr. Williams, he answered his questions, how she
16 answered her questions so I believe that those
17 appointments should be go through easily. You should
18 all vote yes for it. It should be a no-brainer.

19 One thing I just wanted to say is that
20 the COIB needs to bring back their Twitter account. I
21 know you're the Speaker. I don't know what's your
22 control with social media. Like they, they lost their
23 Twitter account. They deleted their Twitter. I don't
24 know why they did that. You have no jurisdiction over
25 Twitter? All right, got that out of the way. That's

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2 all I gotta say. I gotta go, but thank you,
3 everything.

4 CHAIRPERSON POWERS: Thank you. We are
5 adjourned. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 3, 2024