

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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June 30, 2009  
Start: 11:12 am  
Recess: 11:30 am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
DIANA REYNA  
Chairperson

COUNCIL MEMBERS:  
Joel Rivera  
Maria Baez  
Leroy G. Comrie, Jr.  
Erik Martin Dilan  
Lewis A. Fidler  
Robert Jackson  
Melinda R. Katz  
Larry B. Seabrook  
David I. Weprin  
Vincent J. Gentile  
Inez E. Dickens  
Daniel R. Garodnick  
James S. Oddo  
Christine C. Quinn

## A P P E A R A N C E S

Mark Davies  
Executive Director  
New York City Conflicts of Interest Board

Wayne Hawley  
General Counsel  
New York City Conflicts of Interest Board

Burton Lehman  
Candidate for  
New York City Conflicts of Interest Board

2 CHAIRPERSON REYNA: Good morning  
3 and welcome to the Committee on Rules, Privileges  
4 and Elections. My name is Diana Reyna and I am  
5 chair of this committee. Before we begin, I'd  
6 like to introduce the other members of this  
7 committee who are present with us today. I have  
8 Council Member Inez Dickens, Council Member Joel  
9 Rivera, Council Member Daniel Garodnick, Council  
10 Member Leroy Comrie, and there will be others who  
11 will join us. We're running around between  
12 committees. We do have two individual from the  
13 Conflict of Interest Board that we would like to  
14 acknowledge; Mr. Mark Davies, the executive  
15 director and Mr. Wayne Hawley, the general  
16 counsel. Thank you so much for joining us. Today  
17 we have before us one candidate for review. His  
18 name is Burton Lehman. Thank you and welcome. A  
19 Manhattan resident is a candidate for appointment  
20 by the mayor to the Conflicts of Interest Board.  
21 If the Council gives its advice and consent, he  
22 will replace Kevin Frawley and serve for the  
23 remainder of a six-year term expiring on March 31,  
24 2012. First, I will be briefly describing the  
25 functions of the Conflict of Interest Board. The

2 Conflict of Interest Board is the entity that  
3 serves to provide clear guidance to public  
4 employees regarding prohibited conduct through  
5 training, education and the issuance of advisory  
6 opinions. The Board also adopts rules to  
7 implement and interpret the provisions of the  
8 Conflicts of Interests Code. It reviews and  
9 decides on alleged violations of said code with  
10 the power to impose fines that can be as high as  
11 \$10,000 or include suspension or dismissal from  
12 city service where appropriate. The Board also  
13 collects and reviews financial disclosure reports.  
14 Board members are entitled to receive a per-diem  
15 in the amount of \$250 for each calendar day that  
16 they perform work for the Board. The chair  
17 receives \$275. Welcome, Mr. Lehman. Will you  
18 please raise your right hand and be sworn in by  
19 counsel?

20 COUNSEL: Do you swear or affirm to  
21 tell the truth, the whole truth and nothing but  
22 the truth?

23 CHAIRPERSON REYNA: Mr. Lehman, if  
24 you can just turn on the mike. Thank you. Please  
25 repeat the swearing in. Thank you.

2 COUNSEL: Do you swear or affirm to  
3 tell the truth, the whole truth and nothing but  
4 the truth?

5 BURTON LEHMAN: Yes, I do.

6 CHAIRPERSON REYNA: Thank you so  
7 much. Mr. Lehman, if you have an opening  
8 statement or remarks you'd like to share with this  
9 committee, now is the time to do so.

10 BURTON LEHMAN: Thank you very  
11 much. Good morning. My name is Burton Lehman.  
12 I'm honored to be nominated by the Mayor to become  
13 of the New York City Conflict of Interest Board,  
14 subject to the advice and consent of the Council.  
15 I appreciate this opportunity to meet with you and  
16 to respond to any questions you may have. I'm a  
17 lifelong New Yorker, having been born in Brooklyn,  
18 bring a graduate of Columbia College and Columbia  
19 Law School and having raised my family here. In  
20 fact, two of my sons are here today. The  
21 opportunity for public service to my city is  
22 particularly meaningful and important to me,  
23 especially in a role where I believe my maturity,  
24 judgment, experience and commitment can be well  
25 utilized. I have practiced law for more than 40

2 years, mostly in the business and real estate  
3 areas. I believe I possess a great breadth of  
4 experience beyond those areas in many other facets  
5 of the law, both as an advisor as well as a  
6 practitioner. I believe this breadth of  
7 experience will be important in helping me to  
8 serve fairly and pragmatically as a member of the  
9 Board. Indeed, the Board has a complex task in  
10 both interpreting and enforcing the Conflicts of  
11 Interest Law and that task must be done in a  
12 manner that appreciates the practical challenges  
13 of public service, the realities of outside  
14 activities and interests of public servants, and  
15 most importantly, the overriding goal of ensuring  
16 the public's confidence in government is not  
17 undermined by conflicts or the appearance of them.  
18 In addition to being one of the proud founders and  
19 leaders of a prominent New York law firm which  
20 employs more than 900 New Yorkers, I have also led  
21 and been actively involved in many educational,  
22 charitable and other not-for-profit organizations  
23 where I believe that my contributions of time and  
24 effort have been valuable and important to the  
25 life of the city. I reached a point in my life

2 where I'll be able to dedicate a meaningful amount  
3 of time to public service. I am hopeful that  
4 you'll recommend that the full Council consent to  
5 my becoming a member of the Conflict of Interest  
6 Board. I'll be pleased to answer any questions  
7 that you may have.

8 CHAIRPERSON REYNA: Thank you so  
9 much, Mr. Lehman. Welcome to the two sons you  
10 have here today. I'd like to recognize Council  
11 Member Erik Martin Dilan. Are there any  
12 questions? Council Member Garodnick has a  
13 question.

14 COUNCIL MEMBER GARODNICK: Thank  
15 you, Madam Chair. Mr. Lehman, welcome. I just  
16 want to note for those who are here today that you  
17 are one of my constituents and I'm very proud of  
18 that. While we just met today, I have reviewed  
19 your background and find it to be extraordinarily  
20 impressive in the philanthropic activities as well  
21 as your professional activities. I will be  
22 supporting your nomination and asking that it be  
23 moved to the full Council. I did have a couple of  
24 questions for you just coming from your responses  
25 to some of the pre-hearing questions. I noted

2 that perhaps you have not been specifically in  
3 municipal ethics law, but you have led  
4 organizations where you've been called upon to  
5 enforce codes of conduct and ethics and to set and  
6 example. I just wanted to see if you could give  
7 us just a sense of what that means exactly.

8 BURTON LEHMAN: For quite a long  
9 time I was effectively the managing partner of a  
10 law firm. As you all know, lawyers are subject to  
11 canons of ethics. But even more than the canons  
12 of ethics that they have to observe, in terms of  
13 representing the institution they've got to do  
14 things on the highest moral plane. I was involved  
15 many times in being sure that people who didn't  
16 observe that standard were deal with properly. I  
17 also was the chairman for many years of a college.  
18 As such, I had to deal with ethical questions that  
19 came down from time to time.

20 COUNCIL MEMBER GARODNICK: You also  
21 noted in your responses that you believe that  
22 education and sensitization of city employees to  
23 Chapter 68 and the rules should be emphasized. I  
24 think that you're right to point out the  
25 essentially what I would call issue spotting here



2 is critically important for city employees, not  
3 necessarily to know the answers to all the  
4 questions because these are frequently very  
5 difficult to analyze, but rather to know when a  
6 question is present. Is there anything that you  
7 want to add today as to how you think the Board  
8 should be acting to try to promote that sort of  
9 sensitization or just general education of city  
10 employees?

11 BURTON LEHMAN: Not being involved  
12 yet in the actual workings of the Board, it would  
13 be presumptuous of me to really comment, except to  
14 say that any code of ethics, any code of behavior  
15 is effective only if it's understood by the people  
16 who are expected to obey it. That strikes me then  
17 as requiring that education, training to something  
18 that is not simple. I mean the chances of  
19 slipping or doing something that violates this law  
20 is easy, frankly. For people who aren't  
21 sensitized to it, more likely than not, they'll do  
22 it without ever having any sense that they're  
23 doing that. Having spoken with Mark and Wayne  
24 from the Board, I know that they take very  
25 seriously the whole aspect of their role of

2 training and sensitizing and making people aware,  
3 both the supervisors and then the subordinates.

4 There are these laws that are meant to be enforced  
5 and that people should obey them so that we never  
6 get to an enforcement issue.

7 COUNCIL MEMBER GARODNICK: Since  
8 you mention them, you beat me to the punch because  
9 I was going to tell you that Mark Davies and Wayne  
10 Hawley are two of the very best and most serious  
11 interpreters of some very difficult laws. We  
12 thank them for their service to the city.

13 Certainly as you're looking to find ways to  
14 improve the Board, these guys know it very well.  
15 We wish you all the best of luck in this and I  
16 certainly am very enthusiastic to support your  
17 nomination today.

18 BURTON LEHMAN: Thank you.

19 CHAIRPERSON REYNA: Thank you,  
20 Council Member Garodnick. We've been joined by  
21 Council Member David Weprin and Council Member  
22 Robert Jackson. I did want to just note amongst  
23 the answers given by Mr. Lehman due to questions  
24 that were asked as part of this review, I  
25 appreciated a comment you had referred to. That

2 was, and I quote, "Once I become involved in the  
3 work of the Board and become more familiar with  
4 the law and the rules, I will be able to develop  
5 opinions on these subjects based on practical  
6 perspectives rather than theoretical ones." I do  
7 appreciate that particular answer to that question  
8 because there are circumstances to which are not  
9 taken into consideration as a whole. When we  
10 write certain laws or rules that are restrictive  
11 or are left up to the interpretation of an  
12 individual based on only theoretical, then it  
13 doesn't serve its purpose. So, I do want to  
14 acknowledge that you had referenced the practical  
15 perspective and not only theoretical ones. Are  
16 there any other questions or comments for our  
17 nomination for Mr. Lehman to the Conflicts of  
18 Interest Board? At this time I'd like to call a  
19 vote.

20 WILLIAM MARTIN: William Martin,  
21 Committee Clerk, roll call the Committee on Rules,  
22 Privileges and Elections, M1433. Council Member  
23 Reyna?

24 CHAIRPERSON REYNA: I vote aye.

25 WILLIAM MARTIN: Rivera?

2 COUNCIL MEMBER RIVERA: I vote aye.

3 WILLIAM MARTIN: Comrie?

4 COUNCIL MEMBER COMRIE: Aye.

5 WILLIAM MARTIN: Dilan?

6 COUNCIL MEMBER DILAN: Aye.

7 WILLIAM MARTIN: Jackson?

8 COUNCIL MEMBER JACKSON: Aye.

9 WILLIAM MARTIN: Weprin?

10 COUNCIL MEMBER WEPRIN: Aye.

11 WILLIAM MARTIN: Dickens?

12 COUNCIL MEMBER DICKENS: Aye.

13 WILLIAM MARTIN: Garodnick?

14 COUNCIL MEMBER GARODNICK: Aye, and  
15 congratulations.

16 WILLIAM MARTIN: Katz?

17 COUNCIL MEMBER KATZ: First of all,  
18 I want to apologize. I have a Land Use Committee  
19 meeting actually not going on, but trying to go on  
20 in the next room. I know that you are recommended  
21 by the two gentlemen sitting next to you who we  
22 have a longstanding relationship with as well. I  
23 wish you good luck on the Conflicts of Interest  
24 Board. I vote aye.

25 BURTON LEHMAN: Thank you very

2 much.

3 WILLIAM MARTIN: By a vote of nine  
4 in the affirmative, zero in the negative and no  
5 abstentions, items adopted. Council Members,  
6 please sign the committee report. Thank you.

7 CHAIRPERSON REYNA: We're going to  
8 be joined shortly by our Speaker. I want to just  
9 thank Mr. Lehman for your enthusiasm working on  
10 behalf of the City of New York for the best  
11 interests of the City of New York. May you  
12 continue all of your work with our foundations,  
13 may you continue to be blessed with health and  
14 good privileged service to the city. Thank you.

15 BURTON LEHMAN: Thank you very  
16 much.

17 [Pause]

18 WILLIAM MARTIN: Council Member  
19 Filder?

20 COUNCIL MEMBER FIDLER: Aye.

21 [Pause]

22 WILLIAM MARTIN: Speaker Quinn?

23 SPEAKER QUINN: Aye.

24 [Pause]

25 WILLIAM MARTIN: Council Member

2 Oddo?

3 COUNCIL MEMBER ODDO: Yes.

4 WILLIAM MARTIN: Final vote on the  
5 Committee on Rules, Privileges and Elections now  
6 stands at 12 in the affirmative, zero in the  
7 negative and no abstentions.

8 CHAIRPERSON REYNA: Thank you to  
9 our investigative unit, Chuck Davis and Barbara  
10 Butler, who are part of our great team of the  
11 Rules, Privileges and Elections. Thank you so  
12 much. This meeting is adjourned.

13 [Pause]

14 WILLIAM MARTIN: Roll call the  
15 Committee on Rules. Council Member Gentile?

16 COUNCIL MEMBER GENTILE: Aye.

17 [Pause]

18 WILLIAM MARTIN: Council Member  
19 Baez?

20 COUNCIL MEMBER BAEZ: I vote aye.

21 WILLIAM MARTIN: Final vote on the  
22 Committee on Rules now stands at 14 in the  
23 affirmative, zero in the negative and no  
24 abstentions.

25 [Pause]

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 15

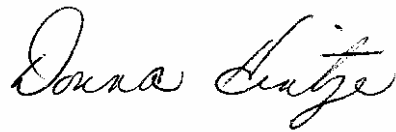
2 WILLIAM MARTIN: Roll call on the  
3 Committee on Rules. Council Member Seabrook?

4 COUNCIL MEMBER SEABROOK: I vote  
5 aye.

6 WILLIAM MARTIN: Final vote on the  
7 Committee on Rules is now 15 in the affirmative,  
8 zero in the negative and no abstentions.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Donna Hintze".

Signature

Date July 30, 2009