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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON STANDARDS AND ETHICS

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SEPTEMBER 26, 2018  
Start: 11:12 A.M.  
Recess: 11:16 A.M.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: STEVEN MATTEO, CHAIR

COUNCIL MEMBERS: KAREN KOSLOWITZ  
STEPHEN T. LEVIN  
MARGARET S. CHIN  
VANESSA L. GIBSON  
DONOVAN RICHARDS  
COSTA CONSTANTINIDES

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3 MOHAMMAD ARSHAD: Test, test, test, this  
4 is a Committee Hearing on Standards and Ethics.  
5 Today's date is September 26, 2018 being recorded by  
6 Mohammad Arshad. (long silence).

7 UNIDENTIFIED: Quiet down, quiet down.  
8 (gavel pounding).

9 CHAIR STEVE MATTEO: Good morning. Today  
10 the Committee on Standards and Ethics will be holding  
11 a second hearing and a vote for Proposed Intro 735A  
12 that I am sponsoring in relation to the Advisory  
13 Opinions of the Conflicts of Interest Board and to  
14 repeal paragraph IV of the subdivision C of section  
15 2603 in relation thereto. Uhm before I go on I just  
16 want to recognize the members that are here. We are  
17 Karen Koslowitz, Steve Levin, Margaret Chin and  
18 Vanessa Gibson and we have Donovan and Costa just  
19 hanging out on our values today. Uhm as we discussed  
20 in our first hearing on this Bill, the Conflicts of  
21 Interest Board has two powers relevant to this Bill;  
22 the power to issue rules and the power to issue  
23 advisor opinions. Under the City Charter, when  
24 interpreting the Conflicts of Interest Law generally  
25 or applying an interpretation broadly a rule must be  
issued. When applying the Conflicts of Interest Law

2 to the specific situation of one person an advisory  
3 opinion can be used, yet for at least the past decade  
4 these powers have seemingly not been used in this  
5 manner. Instead the Board has tilted heavily toward  
6 the use of advisor opinions and the almost complete  
7 disuse of rules even when rule making would be the  
8 correct power to use under the Charter. There are  
9 many benefits to interpreting the law through rules  
10 rather than advisory opinions and this Bill seeks to  
11 reestablish that correct balance. As amended,  
12 Proposed Intro 735A would require the Conflicts of  
13 Interest Board to annual review the advisory opinions  
14 issued in the prior calendar year to see if any had  
15 interpretative value in construing the provisions of  
16 the Conflicts of Interest Law and either establish a  
17 standard or anticipate it to be subject of multiple  
18 future requests. The Board would then be required to  
19 initiate rule making to adopt any such opinion or  
20 part of an opinion. The Bill also requires the Board  
21 to review all the advisory opinions issued from 1990  
22 to present for evaluation on the same criteria as I  
23 just mentioned and similarly to initiate rule making  
24 where relevant. This review is to be completed by  
25 May 1, 2020 but the Bill would not prohibit the

2 adoption of any rules on those subject after that  
3 date. Finally the Bill would require the inclusion  
4 of clarifying language and every advisory opinion  
5 explaining that just advisor opinion applies only to  
6 the public servant or public servant upon whose  
7 request it was issued. This language is merely a  
8 restatement of the scope of the advisory opinion  
9 power under existing law and the City Charter. I  
10 want to thank the members of this Committee for their  
11 support on this issue. I also want to thank the  
12 Conflicts of Interest Board for engaging on the  
13 details of this bill with us even when there were  
14 fundamental disagreements I believe the resulting  
15 Bill was improved by their discussions. I want to  
16 thank the staff who made this possible, Deputy  
17 General Council Serena Longly, Senior Legislative  
18 Council Brad Reed, Policy Analyst Elizabeth Crump,  
19 Rob Newman and our General Council Jason Atano (SP?)  
20 as well as my Chief of Staff David Carr. Do any  
21 members have any questions or comments? If with that  
22 being said, I will now ask our clerk Billy Martin to  
23 call the roll.

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2 WILLIAM MARTIN: William Martin,  
3 Committee Clerk Roll Call vote Committee on Standards  
4 and Ethics, Introduction 735A, Chair Matteo?

5 STEVEN MATTEO: Aye.

6 WILLIAM MARTIN: Gibson?

7 VANESSA GIBSON: Aye.

8 WILLIAM MARTIN: Chin?

9 MARGARET CHIN: Aye.

10 WILLIAM MARTIN: Koslowitz?

11 KAREN KOSLOWITZ: Aye.

12 WILLIAM MARTIN: Levin?

13 STEPHEN LEVIN: Aye.

14 WILLIAM MARTIN: By a vote of 5 in the  
15 affirmative, 0 in the negative and no extension. The  
16 item has been adopted by the Committee.

17 STEVEN MATTEO: Very good, and I will now  
18 end this Committee on Standards and Ethics.

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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 OCTOBER 15, 2018