

NEW YORK CITY CONFLICTS OF INTEREST BOARD
Proposed Charter Amendment on Budget
March 2015

New York City Charter
Chapter 68 (Conflicts of Interest)
Section 2602

§ 2602. Conflicts of interest board.

i. The appropriations available to pay for the expenses of the board during each fiscal year shall not be less than four thousandths of one percent of the net total expense budget of the city. Not later than three months after the close of each fiscal year, the board shall submit to the mayor and the council a public detailed accounting of the board's expenditures during such fiscal year.

Commentary: While the Mayor and the Council have historically respected the Board's independence, that independence should be made explicit in the Charter. As an independent ethics agency, moreover, the COIB has no natural constituency and no source of revenue. Furthermore, it regulates the very people who set its budget. Indeed, invariably the Board has before it matters involving high-level officials at the same time those officials are passing on the Board's budget, an unseemly situation. Lack of a source of assured funding also significantly undercuts the perception of the Board's independence. That circumstance should finally be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials subject to the Board's jurisdiction.

The proposed amendment is virtually identical to the budgetary provision for the Independent Budget Office, whose budget must be at least 10% of the budget of the Office of Management and Budget, except that the Board's budget would be tied to the total City expense budget. See Charter § 259(b) ("The appropriations available to pay for the expenses of the independent budget office during each fiscal year shall not be less than ten per centum of the appropriations available to pay for the expenses of the office of management and budget during such fiscal year.") See also Mich. Const. art. xi, § 5 (requiring that the legislature appropriate to the Michigan Civil Service Commission "a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year"); New Orleans Home Rule Charter § 9-401(3) (requiring that the Office of Inspector General,

in conjunction with the Ethics Review Board, receive an annual appropriation from the Council, not subject to mayoral veto, in an amount not less than .75% of the General Fund operating budget), enacted in October 2008 by a citywide vote with a margin of nearly 80%. Cf. Calif. Gov't Code § 83122 (guaranteeing a budget of \$1,000,000 for fiscal year 1975-1976, adjusted for cost-of-living changes during each fiscal year thereafter, for the California Fair Political Practices Commission); Phil. Home Rule Charter § 2-300(4)(e) (providing for minimum guaranteed budget of \$1,000,000 for first two fiscal years of Philadelphia Board of Ethics and authorizing Board of Ethics to sue the Council if it thereafter fails to provide an amount adequate for the Board of Ethics to meet its Charter mandates). Under the Board's proposal, every billion-dollar decrease in the City's budget would decrease the Board's budget by \$40,000; the City's Fiscal Year 2015 Adopted Expense Budget of \$75 billion would yield a COIB budget of \$3.0 million.

The proposed amendment would provide only the general budget allocation for the Board, leaving to the agency the authority to allocate those funds between personnel services and other than personnel services. In addition, while the Board would not be subject to mid-year agency budget reductions (PEGs) per se, as the Board's budget would be tied to the City's total budget, mid-year reductions in that total budget would likewise reduce the budget of the Board. Although the proposed amendment sets a floor for the Board's budget, one must assume that the floor would become the ceiling as well, and that no funds beyond that floor would be allocated by the City to the Board. Thus, the proposed percentage of 4/1000 of 1% (.00004) of the City's net total expense budget would yield a COIB budget sufficient for the operations of the Board, including the additional duties imposed upon the Board by recent amendments to Chapter 68, in particular, mandatory ethics training and education and online ethics training (Charter § 2603(b)). An independent budget, however, imposes a heavy burden upon the Board to use its funds prudently. For that reason, the proposal would also require the Board to provide a public, detailed public accounting of its expenditures. Just as public financial disclosure works to discourage conflicts of interest by individual public servants, such a detailed public disclosure of COIB expenses would discourage inappropriate expenditures.

This proposal is identical to that submitted by the Board to the Mayor and the Speaker in August 2009, except that the percentage has been reduced from 7/1000ths of one percent to 4/1000ths of one percent to reflect the absence of a proposal for investigative authority for the Board.

CONFLICTS OF INTEREST BOARD: 2014

Agencywide	
Adopted Budget (FY2015)	\$2,117,472 (FY15)
Staff (budgeted)	22
Legal Advice	
Staff	4 attorneys (only 3 for Jan.-Aug.)
Telephone requests for advice	4,353
Written requests for advice	597
Issued opinions, letters, waivers, orders	480
Opinions, etc. per attorney	160
Pending requests at year end	174
Median time to respond to requests	28 days
Enforcement	
Staff	5 (4 attorneys – only 3 for Aug.-Dec.)
New complaints received	488
Cases closed	524
Dispositions imposing fines	78
Public warning letters	17
Confidential warning letters	62
Chapter 68 fines imposed by COIB	\$184,405 Total since 1990: \$1,487,911
Chapter 68 penalties imposed by agencies in COIB cases	\$124,906 Total since 1990: \$1,532,747
Annual Disclosure	
Staff	5 (only 4 for July-Dec.)
Reports filed	8,827
6-year compliance rate	98.2% (remainder have left City service)
Telephone calls from filers for assistance	1,535
Late fines collected	\$19,000 Total since 1990: \$621,448
Reports reviewed for completeness and conflicts of interest (mandated by law)	7,647 Resulting in 87 letters to filers in regard to non-City jobs (including 2 matters referred for enforcement) and 223 inquiries to agencies in regard to relatives working in same agency (new in 2014)
Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA and uncompensated members of policymaking boards and commissions	151 short-form filers at 33 PAAA entities 136 uncompensated filers at 18 policymaking boards and commissions (new in 2014)
Electronic filing	All filers file electronically with limited exceptions (filers at PAAA entities, uncompensated members of policymaking boards and commissions, candidates, and assessors)
Requests to inspect filed reports	2,693 (77% from media)

Training and Education	
Staff	4 trainers
Training sessions	599 (highest ever), including 320 for Dept. of Education; plus multiple CLE offerings (16 classes); Brown Bag Lunches; Ethics Liaison Meet-up (new in 2014)
Agencies trained	43 Including training for all employees of 11 agencies
Public servants trained (live)	20,453
Annual Ethics in City Government Seminar	More than 350 public servant attendees (largest to date) Co-hosted with New York Law School at no-cost to public servants
Electronic training for all 300,000 public servants	Development with DCAS on hold until DCAS finds the appropriate vendor; new Training Twitter feed
Publications	Over 50 Continued monthly column in <i>The Chief</i> ; COIB <i>Ethical Times</i> (Monthly); COIB <i>Public Service Puzzler</i> (Monthly); new handbook for Dept. of Education Therapists
Videotapes	<i>Ethics Express: Conflicts of Interest in Five Minutes or Less</i> – posted 5 videos
Website & social media	920,653 page views; 196,036 visits Includes all COIB publications, all COIB laws and regulations, all advisory opinions and enforcement dispositions in full-text searchable form, all videotapes New daily Twitter feed: <i>The COIB Daily Dose</i>

**Fiscal 2016 Preliminary Budget
Committee Questions
Standards and Ethics Committee - March 12, 2015 (12:00PM)**

*Agency: Conflicts of Interest Board
Wayne G. Hawley, Deputy Executive Director General Council*

Video Series

Your 2014 Annual Report provided a status update on videotape and electronic training.

- For videotapes, you mention a video series titled "Ethics Express: Conflicts of Interest in Five Minutes or Less". Can you provide an update on this video series?
- Do you anticipate any increase in your budget for the completion of this video series?
- When do you anticipate the remaining videos to be released?

Electronic Training

- The annual report also highlights the electronic training series. In the details it notes that a development plan was agreed upon with DCAS for 2014. What updates can you provide us regarding this training series?
- When is the expected completion date?
- Do you have the necessary resources to complete the project?
- If the project is complete, did any problems or issues arise?
- What plans do you have in place to fix these problems?

Coordination with Other Agencies

The 2014 Annual Report indicates a decrease in cases referred to DOI from 2013 to 2014 and a decrease from 75 to 56 in reports from DOI.

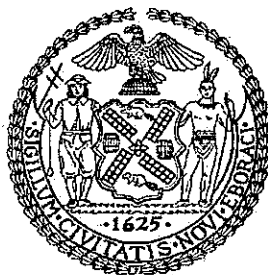
- Would you be able to share your thoughts on these changes?
- Is there any impact on your daily operations?
- Do you have any current statistics to provide us that reflect your work with other agencies?

Operations

According to the Council Report your headcount has stabilized at 22.

- How many investigators are on staff?
- What is your caseload per investigator?

CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD
ANNUAL REPORT
2014



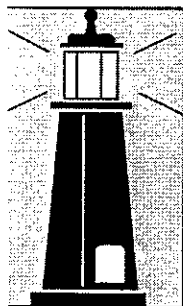
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The New York City Conflicts of Interest Board's Annual Report is designed and produced in-house at 2 Lafayette Street, Suite 1010, New York, New York 10007.

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INTRODUCTION

This Annual Report for 2014 summarizes the work, and highlights the accomplishments, of the New York City Conflicts of Interest Board (“COIB” or “the Board”), which is charged with administering, interpreting, and enforcing the City’s Conflicts of Interest Law. Found in Chapter 68 of the City Charter (<http://on.nyc.gov/1aZtHKb>), that law is applicable to the more than 300,000 current public servants of the City of New York and all former City officers and employees.

The COIB was created in 1990 by Chapter 68 of the revised City Charter, which, together with the Lobbyist Gift Law enacted in 2006 as Sections 3-224 through 3-228 of the New York City Administrative Code, vests in the Board four broad responsibilities: (1) training and educating City officials and employees about Chapter 68’s ethical requirements and the City’s Lobbyist Gift Law; (2) interpreting Chapter 68 and the Lobbyist Gift Law through issuance of formal advisory opinions, promulgation of rules, and responses to requests for advice and guidance from current and former public servants and lobbyists; (3) prosecuting violators of Chapter 68 and the Lobbyist Gift Law in administrative proceedings; and (4) administering and enforcing the City’s Annual Disclosure Law contained in Section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0Nve>).

This Report reviews the Board’s accomplishments during 2014, as summarized in Exhibit 1 to this Report, under each of the following headings: (1) members and staff of the Board; (2) training and education; (3) requests for guidance and advice; (4) enforcement; (5) annual disclosure; (6) the amendments to Chapter 68 proposed by the Board; and (7) administration and information technology.

1. MEMBERS AND STAFF OF THE CONFLICTS OF INTEREST BOARD

The Board’s full complement is five members. Appointed by the Mayor with the advice and consent of the City Council, each member serves a six-year term and is eligible for reappointment to one additional six-year term (City Charter §§ 2602(a) and (b)). Under the City Charter, the members must be selected on the basis of their “independence, integrity, civic commitment and high ethical standards” (City Charter § 2602(c)).

Richard Briffault, Joseph P. Chamberlain Professor of Legislation at Columbia Law School, was appointed to the Board in March 2014 and serves as its Chair, succeeding Nicholas Scoppetta, of counsel to the law firm of Scoppetta Seiff Kretz & Abercrombie, who served as Chair of the Board from December 2012 to February 2014.

Fernando A. Bohorquez, Jr., a partner at Baker & Hostetler LLP, was appointed to the Board in March 2014, succeeding Burton Lehman, of counsel to the law firm of Schulte Roth & Zabel LLP, who served from July 2009 to March 2014.

Anthony Crowell, Dean and President of New York Law School, was appointed to the Board in April 2013.

Andrew Irving, Area Senior Vice President and Area Counsel of Gallagher Fiduciary Advisors, LLC, was appointed to the Board in March 2005 and reappointed in April 2013.

Erika Thomas-Yuille, Associate General Counsel at McGraw Hill Financial, Inc., was appointed to the Board in March 2012.

A list of the present and former members of the Board may be found in Exhibit 2 to this Report.

The Board's staff of 22 is divided into six units: Training and Education, Legal Advice, Enforcement, Annual Disclosure, Administration, and Information Technology. The staff, also listed in Exhibit 2, is headed by the Executive Director, Mark Davies, who has served in that capacity since 1994.

2. TRAINING AND EDUCATION

The Board's Training and Education Unit carries out the mandate of Section 2603(b)(1) of the Conflicts of Interest Law that the Board "shall develop educational materials regarding the conflicts of interest provisions . . . and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter." That responsibility was greatly magnified by the 2010 Charter amendment, now embodied in Section 2603(b)(2)(b), that "each public servant *shall undergo training* provided by the board in the provisions of this chapter" (emphasis added). It is the four-person Training Unit that shoulders this huge training responsibility.

Training Sessions

In 2014, the Unit conducted 599 classes (the highest number ever) and undertook several training initiatives. The number of classes taught in 2014 represents an 11% increase over the preceding year, as reflected in Exhibit 3 to this Report.

During 2014, the Unit trained the entire staffs of several agencies, including the Brooklyn Borough President's Office, the Campaign Finance Board, the City Council, the Comptroller's Office, the Department of City Planning, the Department of Records and Information Services, the Department of Small Business Services, the Manhattan Borough President's Office, the Mayor's Office to Combat Domestic Violence, the Public Advocate's Office, and the Queens Borough President's Office. Training at the Department of Education increased dramatically, with a total of 320 classes. In all, as summarized in Exhibit 4 to this Report, during 2014 the Unit presented classes at 43 City agencies and offices, reaching approximately 20,453 City employees.¹

The Board's classes are interactive and engaging, explaining the basis and requirements of the law in plain language and informing public servants how they can get answers regarding their specific situations. The sessions, often tailored to the specific agency or specific employees, include games, exercises, and ample opportunities for questions. The feedback received from class participants continues to be overwhelmingly positive and usually quite enthusiastic.

In addition to these training sessions, the Unit, together with the Board's attorneys, conducted sixteen Continuing Legal Education ("CLE") classes, a requirement for attorneys in New York State. CLE courses were taught in various formats and in many agencies throughout the year, including a general two-hour course for City attorneys of various agencies; several shorter "Special Topics" classes; one class for new lawyers at the Law Department, continuing a model begun in 2004; two classes for new assistant district attorneys in Brooklyn and two classes for those in Manhattan; and one class for attorneys at the Department of Investigation. The Unit also continued to cooperate with the Department of Citywide Administrative Services ("DCAS") to offer Citywide CLE classes in Chapter 68, both general and specialized, at the Citywide Training Center.

¹ While impressive, that number falls far below the 300,000 public servants that the 2010 Charter amendment mandates receive training every two years.

Board attorneys and the Training and Education Unit also continued to write materials on Chapter 68 for publication, including a monthly column, “Ask the City Ethicist,” in *The Chief* and the Board’s own newsletter, *The Ethical Times*. Internet and e-mail have permitted virtually cost-free Citywide distribution of the newsletter to general counsels and agency heads, and several agencies have reported that they electronically distribute the newsletter to their entire staff.

The Impact of the Mandatory Training Requirement

As noted above, in November 2010, the voters of New York City overwhelmingly approved a change to the City Charter making ethics training *mandatory* for all public servants of the City. While the Conflicts of Interest Law had always mandated that the Board *offer* training, there was no reciprocal mandate for public servants to *undergo* training; Chapter 68 training was largely optional. Now, all 300,000 public servants of the City *must* receive such training every two years.

One way to help meet the mandate of this amendment is to leverage the Board’s own ability to train public servants by training those in City agencies whose responsibilities include ethics training of their colleagues. This longstanding Board program is called “Train the Trainer.” In support of the “Train the Trainer” program, the Training and Education Unit in 2014 continued hosting a Brown Bag Lunch series, a monthly lunchtime discussion group, moderated by Board attorneys, that takes a closer look at specific aspects of the Conflicts of Interest Law. Participants have included agency staff who are involved in teaching ethics, as well as attorneys who work directly with Chapter 68 issues at their agencies. CLE credit was offered at several of the Brown Bag sessions. The Training Unit also reinvigorated the Train the Trainer program established many years ago at the Parks Department, refreshing the content and training a new group of trainers, who began to teach classes at Parks in 2014. The Training Unit also developed a new semi-annual Ethics Liaison Meet-up, specifically targeted to agency ethics liaisons. The inaugural session took place in early December and was quite successful.

It is anticipated that the great majority of public servants will eventually be trained by some computer-based method, similar to the way many large organizations handle other types of mandatory training. The Department of Information Technology and Telecommunication (“DoITT”) has recommended a partnership with DCAS, which is developing a platform for citywide e-learning.

We eagerly await the time when that platform is ready for use. Additionally, three agencies have implemented their own electronic training systems for their employees: the New York City Housing Authority, the Department of Buildings, and the Department of Environmental Protection. The Training Unit served as the Chapter 68 content consultant for these three systems.

Website, Publications, and Media Outreach

The Internet remains an essential tool for Chapter 68 outreach. In 2014 the Board's website (<http://nyc.gov/ethics>) had 920,653 page views and 196,036 visits. The site includes frequently asked questions (FAQs), legal publications, plain language publications, interactive exercises, and an ever-growing list of links. In 2014 the Training Unit undertook a study of the website's usability, using surveys, focus groups, and some comparative research. The Unit will use the results of this research to streamline and improve the website in 2015.

The Board continues to post new publications on its website, so that all Board publications, including the texts of Chapter 68, the Board's Rules, the Annual Disclosure Law, the Lobbyist Gift Law, and all COIB booklets and leaflets, are available for download from the website at <http://on.nyc.gov/1EMQTpm>, as well as from CityShare, the City's Intranet. Recent articles by Board attorneys and installments of "Ask the City Ethicist" have also added to the number of publications available online.

The Training Unit continued production on a series of short videos entitled "Ethics Express: Conflicts of Interest Explained in Five Minutes or Less." These short episodes use a "talking heads" format to present an aspect of Chapter 68. Five episodes were released in 2014: "Gifts" (Parts 1 and 2), "Personal Use of City Resources," "Political Activities," and "Post Employment."

Another monthly outreach effort was started with the creation of the Public Service Puzzler. Each month, the Training Unit emails contest information (the Puzzler) to City employees, inviting them to compete for Board-related token prizes and a mention in *The Ethical Times*. Contests have included crosswords, competitions for best pun or best cartoon caption, and word scrambles, among others.

2014 also saw the entrance of the Board into social media with the advent of the Training Unit's Twitter feed, called "The COIB Daily Dose." A sub-brand of

the Training Unit, it seeks to drive engagement with social media-savvy stakeholders who have common conflicts of interest questions.

Seminar

The Board's Twentieth Annual Seminar on Ethics in New York City Government, held at New York Law School on May 20, 2014, was a great success. More than 350 public servants attended, representing approximately 50 City agencies. At the Seminar's opening plenary session, Mayor de Blasio gave the keynote address. The Oliensis Award for Ethics in City Government was presented to Rose Gill Hearn, the longest-serving Commissioner of the Department of Investigation. The Pierpoint Award for Outstanding Service to the Board was presented to the former Board Member Burton Lehman. A list of past recipients of these awards may be found in Exhibit 5 to this Report.

The Board welcomes nominations for both awards, to be conferred at its Twenty-first Annual Seminar on Ethics in New York City Government, which will again be held at New York Law School, on May 20, 2015.

The 2014 Seminar was offered at no charge for public servants. The Board thanks New York Law School for its support and generosity.

International Visitors and Government Ethics Associations

In 2014, Training Director Alex Kipp, Executive Director Mark Davies, Annual Disclosure Director Julia Davis, and Assistant Counsel Amber Gonzalez attended the annual conference of the Council on Government Ethics Laws ("COGEL"), the premier government ethics organization in North America. COGEL conferences have provided the Board with a number of ideas for new initiatives, including the Board's game show, an interactive ethics quiz, and electronic filing of annual disclosure reports. This year Mr. Kipp participated in a local agency round table discussion about approaches to Ethics training videos; and Ms. Davis participated in a panel on annual disclosure, moderated by Mr. Davies.

Executive Director Mark Davies continues to serve as the Co-Chair of the Government Ethics and Professional Responsibility Committee of the New York State Bar Association's Municipal Law Section, as well as Chair of the Section; as Co-Chair of the Board of Directors of Global Integrity, an independent provider of information on governance and corruption trends around the world; and as an advisor to the American Law Institute's Principles of Government Ethics Project.

Assistant Counsel Amber Gonzalez co-chairs the Law School Committee of the Municipal Law Section of the State Bar. Deputy Director of Enforcement Bre Injeski serves as a member of the Government Ethics Committee of the New York City Bar.

The Board receives numerous requests, both from municipalities around the State and from foreign countries, to assist them in developing and improving their ethics laws. Resources permitting, Board staff members respond to those requests, whenever possible by e-mail, although occasionally in person. In 2014, Board staff met with officials from the Federal Government and the People's Republic of China. Time permitting, Board staff also occasionally assist other jurisdictions seeking to revise their ethics laws. For example, Mr. Davies testified before the Legislation Committee of the Westchester County Board of Legislators on the possible revision of that county's ethics code and served as a panelist in the Best Practices Symposium of the Washington, D.C., Board of Ethics and Government Accountability. He also continued to answer questions by phone and e-mail from municipal attorneys and reporters on matters of government ethics and was interviewed, at the request of the U.S. State Department, by Global Reporters for the Caribbean for a news series on ethics for Television Jamaica. Director of Enforcement Carolyn Lisa Miller and Mark Davies served on a panel on "Politics, Elections and the Municipal Attorney" at the fall meeting of the New York State Bar Association's Municipal Law Section. Mr. Davies also participated in an American Bar Association Masters' Roundtable CLE panel on government ethics.

3. REQUESTS FOR GUIDANCE AND ADVICE

The Legal Advice Unit oversees the Board's responsibility under City Charter § 2603(c)(1) to "render advisory opinions with respect to the matters covered by" Chapter 68 "on the request of a public servant or a supervisory official of a public servant." Complying with written advice obtained from the Board affords public servants a safe harbor against future enforcement action: Section 2603(c)(2) provides that a public servant who requests and obtains such advice with respect to proposed future conduct or action "shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion." Accordingly, the Board annually receives and responds to hundreds of written, and thousands of telephonic, requests for advice.

Previous annual reports noted the significant increase in the quality and quantity of the advisory work of the Board and its Legal Advice Unit over the past

several years; 2014 was no exception. Exhibits 1 and 6 to this Report summarize the Unit's work in 2014 and prior years.

As detailed in Exhibit 7 to the Report, the Board in 2014 received 597 written requests for advice. Recognizing that delayed advice is very often useless advice, the Board is committed to responding promptly to all new requests for advice. Thus, as reflected in Exhibit 6, in 2014 the Board's median response time to written requests for advice was 28 days.

As shown in Exhibit 8 to this Report, in 2014, the Board responded in writing to 480 requests for its advice, consisting of 49 Board letters and orders reflecting Board action, 221 staff advice letters, and 210 waiver letters signed by the Chair on behalf of the Board.² While this total was lower than the 559 written outputs issued in 2013, the Board's Advice Unit was short one advice attorney for virtually all of 2014 while it worked to fill a staff vacancy. The 160 outputs per attorney was the highest level since 2001. At year end the number of pending advice requests awaiting written response was 174.

In 2014 Board staff also answered 4,353 telephone requests for advice, an increase of 23% over 2013 (which had been the second highest year on record) and 15% over the prior record annual high in 2008. Telephone advice provides the first line of defense against violations of the Conflicts of Interest Law and thus remains one of the Board's highest priorities. Such calls, however, consume an enormous amount of staff time, sometimes hours a day, and therefore limit attorney time available for advising the Board on pending advice matters and drafting written advice.

The Board continues to distribute its formal advisory opinions to public servants and the public and to make them available on Lexis and Westlaw. Working with the Enforcement and Training and Education Units, the Legal Advice Unit has developed a large e-mail distribution list, so that new advisory opinions and other important Board documents are e-mailed to a large network of people, including the legal staffs of all City agencies. Working in cooperation with New York Law School's Center for New York City Law, the Board makes its

² Under Section 2604(e) of the City Charter, the Board may grant waivers permitting public servants to hold positions or take action "otherwise prohibited" by Chapter 68, upon the written approval of the head of the agency or agencies involved and a finding by the Board that the proposed position or action "would not be in conflict with the purposes and interests of the city." By resolution, as authorized by City Charter § 2602(g), the Board has delegated to the Chair the authority to grant such waivers in routine cases.

advisory opinions available on-line, free of charge, in full-text searchable form (www.CityAdmin.org). Indices to all of the Board's public advisory opinions since 1990 are annexed to this Report.

In order to help meet its mandate to advise public servants in a timely manner about the requirements of the Conflicts of Interest Law, the Legal Advice Unit has relied on the services of part-time volunteers and student interns. Over the past year, one volunteer attorney, two law student interns, and one college intern worked part-time for the Legal Advice Unit. These individuals, listed in Exhibit 2 to this Report, contributed meaningfully to the Board's output.

The Board's appreciation for the Legal Advice Unit's substantial output, an excellent result achieved under considerable pressure, goes to Deputy Executive Director and General Counsel Wayne Hawley and the superb Legal Advice staff, including Deputy General Counsel Ethan Carrier, Associate Counsel Jessie Beller, and Assistant Counsel Amber Gonzalez. Mr. Carrier assumed this position in the Unit in August 2014, moving from the Board's Enforcement Unit, whose caseload he continued to wind down during the balance of 2014.

4. ENFORCEMENT

A vigorous enforcement program is at the heart of the Board's efforts to preserve and promote public confidence in City government, to protect the integrity of government decision-making, and to enhance government efficiency. Public servants at all levels occasionally violate the Conflicts of Interest Law, either intentionally or inadvertently. Board enforcement actions send a clear message that Conflicts of Interest Law violations will be uncovered and violators punished.

The Board's enforcement powers include the authority to receive complaints, to direct the New York City Department of Investigation ("DOI") to investigate matters within the Board's jurisdiction, to create a public record of Conflicts of Interest Law violations, and to impose fines on violators. With the exception of imposing fines, which only the Board itself may do, these functions are discharged by the Board's Enforcement Unit. The Unit reviews complaints of possible violations of the Conflicts of Interest Law, initiates investigations conducted by DOI, brings civil charges in administrative proceedings for violations of the law, and negotiates settlements on the Board's behalf. In 2014, the Enforcement Unit opened 488 new enforcement cases, closed 524 cases, and concluded enforcement actions finding violations in 95 cases, many with sanctions.

Those 95 public findings of violations included 78 dispositions imposing a fine (74 settlements and four cases in which the Board issued Findings of Fact, Conclusions of Law, and Order following a hearing before the New York City Office of Administrative Trials and Hearings (“OATH”)) and seventeen public warning letters. Data on enforcement cases from 1995 through 2014 can be found in Exhibit 9 to this Report and more detailed information about the Board’s enforcement activity from 2006 through 2014 can be found in Exhibit 10 to this Report.

An integral part of the Board’s enforcement power is its ability to obtain monetary penalties and the disgorgement of ill-gotten gains, the latter a power given to the Board by the City’s voters in November 2010. In 2014, the Enforcement Unit, under the leadership of Director Carolyn Lisa Miller, collected \$184,405 in fines from violators. From 1990, when the Board gained enforcement authority, through 2014, Board fines and disgorgement penalties have totaled \$1,487,911. During that same period, fines paid to agencies, restitution, loan repayments, forfeiture of accrued leave, and suspensions without pay in Board cases have accounted for an additional \$1,532,747. But fines alone cannot fully reflect the time and cost savings to the City when investigations by DOI and enforcement actions by the Board put a stop to the waste of City resources by City employees who abuse City time and resources for their own gain.

A vital component of the Board’s enforcement program is carried out by DOI. The City Charter entrusts investigations of possible violations of the Conflicts of Interest Law violations to DOI and also requires DOI to report the results of all its investigations involving violations of the Conflicts of Interest Law to the Board so that the Board may determine whether a violation has occurred. Consistent with these dual mandates, in 2014, the Board referred 56 cases to DOI for investigation and DOI provided the Board with 182 investigative reports, as reflected in Exhibit 10. In addition to DOI, the Board relies on the public, City employees and officials, and the media to bring possible violations to the Board’s attention. The Board encourages anyone with information about a possible violation to use the “File a Complaint” function on the homepage of the Board’s website (www.nyc.gov/ethics).

Enforcement Actions

In 2014, the Board concluded enforcement actions involving a wide range of conduct, from Commissioners at the New York City Board of Elections (“BOE”) who hired, promoted, and/or supervised their relatives to the dozens of employees

at different City agencies who misused City resources – including City computers, e-mail accounts, telephones, and vehicles – not for a City purpose but to advance their own private interests; these latter cases may not have generated headlines, but this conduct threatens the integrity of City government nonetheless. The following brief survey highlights the extent and success of the Board’s efforts:

Adjudicated Cases. The vast majority of enforcement actions are resolved by negotiated settlements. However, if a settlement is not possible, the Enforcement Unit will proceed expeditiously to a hearing; in 2014, the Board issued Findings of Facts, Conclusions of Law, and Orders in four cases following hearings at OATH. The four cases that were tried by the Enforcement staff at OATH were as varied as the Board’s enforcement docket. The first involved a former Community Associate in the Transitional Child Care Unit at the New York City Administration for Children’s Services (“ACS”) who accepted \$100 to \$300 on three occasions from an individual acting on behalf of private day care centers in return for processing applications for day care subsidies; the Board imposed a \$3,000 fine on the former Community Associate for accepting compensation from a source other than the City for performing services as a City employee, in violation of City Charter § 2604(b)(13).³

Second, the Board imposed a \$6,000 fine on a former Associate Job Opportunity Specialist for the New York City Human Resources Administration (“HRA”) for soliciting and accepting loans totaling approximately \$6,740 from eight of his HRA subordinates; in many instances, the former Associate Job Opportunity Specialist asked to borrow money after calling the subordinate into his office, in some instances under the pretext of a false work-related complaint. The Conflicts of Interest Law prohibits using one’s City position to obtain a person financial gain (City Charter § 2604(b)(3)) and entering into a financial relationship with a superior or subordinate (City Charter § 2604(b)(14)).⁴

Third, the Board imposed a \$10,000 fine on a former Clerical Associate at the Staten Island District Attorney’s Office who violated the Conflicts of Interest Law by (1) using her position at the District Attorney’s Office to offer to obtain confidential information for a convicted drug dealer for the purpose of obtaining drugs for her husband (City Charter § 2604(b)(3)); and (2) using her official District Attorney’s Office identification, a City resource, for the non-City purpose

³ *COIB v. Salce*, OATH Index No. 2379/13, COIB Case No. 2011-387 (Order Mar. 27, 2014).

⁴ *COIB v. Oni*, OATH Index No. 458/14, COIB Case No. 2013-299 (Order May 14, 2014).

of impeding and preventing the arrest of her husband (City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b)).⁵

Finally, the Board imposed a \$7,500 fine on a former Executive Agency Counsel at the New York City Taxi and Limousine Commission (“TLC”) for, during times he was required to be working for TLC, making numerous telephone calls related to his campaign for City Council. The Conflicts of Interest Law prohibits the use of City time or City resources for any non-City purpose, in particular a private business, a second job, or political activities. In determining the penalty in this case, the Board considered the following aggravating factors: (1) the Respondent declined to accept responsibility for his conduct; (2) as an attorney, the Respondent is held to higher standard to comply with the conflicts of interest law; and (3) most significantly, the Respondent received both telephone and written advice from the Board and from the TLC attorney responsible for ethics matters that it would violate the Conflicts of Interest Law to use City time or City resources in connection with his political campaign, advice he failed to follow.⁶

Settlements: Significant Cases. The Board concluded settlements with four high-ranking officials in the New York City Board of Elections (“BOE”) who each paid fines for the actions they took to benefit an “associated” relative in violation of the Conflicts of Interest Law. A Borough Manager for the BOE Queens Office paid a \$1,500 fine for directly supervising her daughter’s employment in the same Borough Office from 2009 to 2014.⁷ Similarly, a Borough Manager for the BOE Bronx Office paid a \$1,500 fine for supervising his brother’s employment in the same Borough Office from March 2010 to February 2014 and for having discussions with the Bronx BOE Commissioners about promoting his brother to a supervisor position.⁸ A now former BOE Commissioner paid a \$5,500 fine for using her BOE position to help her sister get a job at BOE by submitting her sister’s resume to the other Commissioners of Election for consideration for hiring during a September 2008 Commissioners’ Meeting; the Commissioners voted to approve the hire.⁹ Finally, the BOE Queens

⁵ *COIB v. Collins*, OATH Index No. 556/14, COIB Case No. 2013-258 (Order July 30, 2014).

⁶ *COIB v. Oberman*, OATH Index No. 1657/14, COIB Case No. 2013-609 (Order Nov. 6, 2014).

⁷ *COIB v. Conacchio*, COIB Case No. 2014-060 (2014).

⁸ *COIB v. Ribustello*, COIB Case No. 2014-059 (2014).

⁹ *COIB v. Dent*, COIB Case No. 2014-061 (2014).

Democratic Commissioner paid a \$10,000 fine to the Board, the maximum fine possible, for misusing his BOE position to obtain a financial gain for himself and for his wife by hiring his wife in February 2010 to work in the BOE Queens Borough Office in order to obtain health insurance for their family.¹⁰

Settlements: Three-Way Settlements. The Board's Enforcement Unit continued to enhance its effectiveness in 2014 by strengthening its coordination with disciplinary counsel at City agencies in cases where Board action would overlap with agency disciplinary charges. Through the so-called "referral back" process, by which the Board refers an alleged violation of the Conflicts of Interest Law to an agency if related disciplinary charges are pending at the agency (City Charter § 2603(e)(2)(d)), the Board resolved Chapter 68 violations simultaneously with related disciplinary charges brought by the respondent's agency. In 2014, the Board referred 64 such cases to agencies, including the Administration for Children's Services, the Comptroller's Office, the Department of Correction, the Department of Design and Construction, the Department of Education, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Homeless Services, the Department of Housing Preservation and Development, the Department of Parks and Recreation, the Department of Records and Information Services, the Department of Sanitation, the Fire Department, the Housing Authority, the Human Resources Administration, and the Law Department. Settlements reached in conjunction with agencies frequently result in penalties of loss of annual leave days, suspension without pay, fines paid to the agency and/or the Board, and resignation.

In one such case, the Board reached a three-way settlement with the New York City Department of Design and Construction ("DDC") and a Deputy Budget Director in DDC's Interfund Agreement Unit for the Deputy Budget Director's three violations of the Conflicts of Interest Law. The Deputy Budget Director owns a firm that owns a ten-unit apartment building in Manhattan for which he received a construction loan through the New York City Department of Housing Preservation and Development ("HPD") and for which he receives payment for low-income housing units from HPD and the New York City Housing Authority ("NYCHA"); this ownership interest violates City Charter § 2604(a)(1)(b), which prohibits a public servant from owning a firm with business dealings with any City agency. Second, the Deputy Budget Director used his City e-mail account and his

¹⁰ *COIB v. Araujo*, COIB Case No. 2013-426 (2014).

City telephone over a seven-year period to conduct private business related to his firm; the Conflicts of Interest Law prohibits the use of any City resource, such as a City e-mail account or telephone, for any non-City purpose, particularly a private business interest (City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(b)). Finally, the Deputy Budget Director communicated with and appeared in person before City agencies on behalf of his firm; the Conflicts of Interest Law prohibits such appearances before the City on behalf of a private interest (City Charter § 2604(b)(6)). To resolve these violations, the Deputy Budget Director agreed to pay a \$2,170 fine to the Board, to be suspended for seven days (valued at approximately \$2,170), and to forfeit seven days of annual leave (valued at approximately \$2,170). The Board also issued an order permitting the Deputy Budget Director to retain his ownership interest in his firm and, with certain limitations, to continue to communicate with and receive payments from HPD and NYCHA for low-income housing in his building.¹¹

Settlements: Former City Employees. The Board's authority to prosecute public servants for violations that occurred while they were public servants continues even after they leave City service. For example, a former member of Manhattan Community Board 2 paid a \$10,660 fine for accepting ten years of free membership to Soho House, an entity with matters before Community Board 2. Soho House provided the complimentary membership for reasons related to the Respondent's position on the community board. The amount of the fine represents the total value of the membership, estimated to be \$8,160, plus a \$2,500 penalty. The Conflicts of Interest Law prohibits a public servant from accepting a gratuity from any person whose interests may be affected by the public servant's official action (City Charter § 2604(b)(13)).¹²

The Board also prosecutes cases against former public servants for violations that occur after they leave City service. In 2014, the Board concluded enforcement actions it brought against multiple former public servants for violating the Charter's "post-employment provisions," which prohibit former public servants from communicating for compensation with their former City agencies within one year after leaving City service, from working on the same particular matters that they worked on personally and substantially while public servants, and from disclosing or using confidential information gained from public service that is not otherwise available to the public. In one such case, the Board fined the former

¹¹ *COIB v. F. Brown*, COIB Case No. 2013-305 (2014).

¹² *COIB v. Hamilton*, COIB Case No. 2013-374a (2014).

Director of Audit Operations for the New York City Department of Finance \$5,000 for contacting his former Finance subordinates on eight occasions on matters related to the clients of his new employer.¹³

Summaries of all of the Board’s public enforcement actions from 1990 to the present are available on the Enforcement page of the Board’s website. Each settlement and order is available in full-text searchable form on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

In addition to public sanctions, the Board may, where appropriate, choose to educate public servants privately about the implications of Chapter 68 on their past conduct. These confidential warnings – of which the Board sent 62 such letters in 2014 – carry no findings of fact or violation by the Board, but instead serve as a formal reminder of the importance of strict compliance with the Conflicts of Interest Law.

For all their hard work, the Board thanks Carolyn Lisa Miller, Director of Enforcement; Bre Injeski, Deputy Director of Enforcement; Jeff Tremblay, Assistant Counsel for Enforcement; and Maritza Fernandez, Litigation Coordinator. The Board also thanks Ethan Carrier for his service until August 2014 as Associate Counsel for Enforcement.¹⁴ The Board also extends its sincere thanks to the DOI Commissioner, the Special Commissioner of Investigation for the New York City School District (“SCI”), and their entire staffs for their investigating and reporting on complaints of violations of the Conflicts of Interest Law.

5. ANNUAL DISCLOSURE

Under Section 2603(d) of Chapter 68, the Board receives “[a]ll financial disclosure statements required to be filed by [City] public servants, pursuant to state or local law....” Under the Annual Disclosure Law, set forth in Section 12-110 of the New York City Administrative Code (<http://on.nyc.gov/1bb0NVe>), over 9,000 City public servants are required to file annual disclosure reports with the Board. Significant changes to the City’s Annual Disclosure Law contained in Local Law 58 of 2012, including additional substantive disclosure requirements and expansion of the categories of filers, became effective in 2014.

¹³ *COIB v. Rabinowitz*, COIB Case No. 2013-279 (2014).

¹⁴ As previously noted, Mr. Carrier assumed the role of Deputy General Counsel in the Board’s Advice Unit that month.

Filing and Review of Annual Disclosure Reports

City employees continue to show an excellent compliance rate in filing their mandated annual disclosure reports. As detailed in Exhibit 11 to this Report, the overall rate of compliance with the Annual Disclosure Law has exceeded 98% over the past six years. This superb record must be attributed in large part to the excellent work of the Annual Disclosure Unit: Julia Davis, Director of Annual Disclosure and Special Counsel; Joanne Giura-Else, Deputy Director of Annual Disclosure; Holli Hellman, Associate Electronic Financial Disclosure Project Manager and Supervising Annual Disclosure Analyst; Veronica Martinez Garcia, Assistant to the Unit; and Daisy Garay, Annual Disclosure Analyst and Agency Receptionist.¹⁵

Annual disclosure reports filed in 2014 for calendar year 2013¹⁶ contained some important changes implemented by Local Law 58 of 2012. For the first time, filers were required to report relatives in City service and agreements for future payments and to differentiate between gifts from donors with and without City business. Filers are also now required to report gifts, investments in a business, securities, and real property for any unemancipated children.

During this year's annual four-week filing period, the Annual Disclosure Unit responded to 1,535 callers requesting assistance with filing, representing an 11% increase over the 2013 filing period. The aforementioned changes in the application, as well as a change in administration that resulted in additional filers, may have caused the increase in call volume.

Upon the conclusion of the filing period, the Unit reviewed filed reports for completeness and possible conflicts of interest. During 2014, the Unit conducted 7,647 reviews of the 2013 reports filed by non-terminating public servants. The Unit reviewed these annual disclosure reports to ensure that requisite waivers had been obtained for second jobs requiring them. It also reviewed Board waiver letters, issued pursuant to City Charter § 2604(e), granting permission for second jobs to insure that these jobs were properly reported on the filer's annual disclosure report.

¹⁵ Ms. Garay resigned from the Board on June 27, 2014.

¹⁶ Reports are filed in the year following the year to which they pertain. Thus, 2013 reports, covering calendar year 2013, were filed in 2014.

Reviews conducted during the year resulted in 87 letters sent to filers. Thirteen letters were sent concerning 2012 reports, ten of which advised the filers that it was necessary for them to obtain agency head permission and then a Board waiver pursuant to City Charter § 2604(e) in order to retain their second, non-City positions and three of which requested the filer seek the advice of the Board. At year's end, one filer had sought the advice of the Board, four had obtained waivers, six had provided explanations for, or additional information concerning, the second positions reported, and two had left City service.

Seventy-four letters were sent concerning 2013 reports,¹⁷ 51 of which advised the filers that it was necessary to obtain agency head permission and then a Board waiver pursuant to City Charter § 2604(e) in order to retain their second, non-City positions, one of which instructed a filer to obtain an order for ownership interests pursuant to City Charter § 2604(a)(4), seven of which requested that filers amend their annual disclosure reports to reflect a second job, six of which advised the filer to seek the advice of the Board, five of which of which asked that the filer confirm that his or her City position did not involve the employer of the filer's spouse, two of which asked filers to confirm that they were not in a superior-subordinate position in either their City agency or at the business where both had second jobs, and two of which directed filers to obtain requisite permission from their City agency for the filer's volunteer position (City Charter § 2604(c)(6)). At year's end, three filers had been issued waivers, 40 had submitted explanations for, or additional information concerning, the second positions reported, one had sought the Board's advice, two left City service, two quit their second jobs, and four had amended their reports.

Finally, the reviews also resulted in two matters being referred to the Board's Enforcement Unit, one for the filer's failure to obtain a Board waiver for a second job reported again after having previously been advised to obtain the waiver and a second for a filer's representation of a client in Family Court.

As a result of the new question requiring disclosure of relatives in City service, the Unit's review of filed reports expanded to determine whether a conflict of interest existed where a filer and his or her relative work in the same City agency. The Unit reviewed 218 reports and contacted 19 ethics liaisons to inquire whether any of 223 pairs of relatives were in superior-subordinate positions. By

¹⁷ The 74 letters reflect a significant -- over 20% -- increase compared to the number of letters sent concerning 2012 annual disclosure reports. This increase may be largely attributable to the change in administration and the need to ensure that the non-City jobs reported by first-time filers predated their City service and that the filers did not require permission for these positions.

year's end, 21 liaisons had reported that there was no supervisory relationship for 97 pairs of relatives, with the agency and the Board looking at the work relationship of one pair of relatives to ensure no conflict exists.

The Annual Disclosure Unit receives requests for the certification of compliance that departing City employees have complied with their obligations under the annual disclosure law. Pursuant to Section 12-110 (b)(3)(b) of the Administrative Code, departing employees must obtain such a certification before they can receive their final paychecks and/or any lump sum payments. In 2014, 828 certifications were issued. This number, which represents a 40% increase over 2013, was the highest in the Board's history and likely attributable to the change of administration that took place on January 1, 2014. Finally, the Unit continued its annual disclosure liaison trainings with seven trainings in 2014.

Policymaking Boards and Commissions

As amended by Local Law 58 of 2012 and to conform to state law, for the first time in 2014 uncompensated members of City policymaking boards and commissions were required to file a short paper annual disclosure form. Eighteen policymaking boards and commissions participated in the 2014 filing period, representing 136 required filers, 15 of whom sat on multiple boards or commissions. Thanks to the outstanding work of the Unit, agency annual disclosure liaisons, and general counsels of these boards and commissions, the compliance rate for this category of filers for its first filing period was 100%.

Public Authorities Accountability Act

The Public Authorities Accountability Act ("PAAA") requires directors, officers, and employees of certain City-affiliated entities to file annual disclosure reports with the Board. Thirty-three PAAA entities -- including four entities filing for the first time -- participated in the 2014 filing period. These entities represented 298 filers. Of those 298 filers, 147 individuals had previously submitted annual disclosure reports pursuant to their City positions and thus were not required to file a PAAA annual disclosure report; 27 of those 147 filers were required to file by virtue of service with more than one PAAA entity. The remaining 151 individuals filed their short 2013 paper PAAA reports; of those 151 filers, five were required to file by virtue of service with more than one PAAA entity.

Annual Disclosure Appeals

Pursuant to Section 12-110 (c) of the Administrative Code, an employee may appeal his or her agency's determination that the employee is required to file a report. During 2014, the Board issued the following appeal order:

On March 19, 2014, the Board dismissed the Department of Citywide Administrative Services' motion for reconsideration of the Board's November 7, 2013, decision granting appeals on default. The Board found that the only remedy in the Financial Disclosure Appeals Process for an appeal being granted on default was for an agency to place the employee on the list of required filers the following year and that no remedy of appeal or reconsideration exists under the Process. The order and decision may be found on the Board's website at: http://www.nyc.gov/html/conflicts/downloads/pdf2/fd%20docs/coib_fdorder_2014-1.pdf.

Annual Disclosure Enforcement

Section 12-110(g) of the City's Annual Disclosure Law empowers the Board to impose fines of up to \$10,000 for the non-filing or late filing of an annual disclosure report. During 2014, the Board collected \$19,000 in late filing fines, reflecting \$13,000 from 2013 late filers, \$1,500 from 2012 late filers, \$1,000 from a 2011 late filer, and \$3,500 from one late filer for 2010, 2009, and 2008. Since the Board assumed responsibility for annual disclosure in 1990, the Board has collected \$621,448 in annual disclosure fines.

Public Inspection of Annual Disclosure Reports

Section 12-110(e) of the City's Annual Disclosure Law provides that certain information contained in annual disclosure reports shall be made available for public inspection. In 2014, there were 2,693 requests to inspect filed reports, a 127% increase from 2013 and the highest in the Board's history. 2,082 of these requests were from the media,¹⁸ which resulted in numerous news articles and reports, of which a representative sampling organized by subject matter follows.

The race for Speaker of the City Council:

¹⁸ Of the 2,082 requests from the media, 1,582 were emailed directly to reporters pursuant to an Annual Disclosure Unit initiative permitting reporters to register with the Board. Reporters from established publications may receive reports by email to their work email address after registering with the Board.

Numerous articles in the *Daily News* on January 6, 7, and 8, 2014, discussed the annual disclosure reports of Councilmember Melissa Mark-Viverito, who was then a leading candidate to become Speaker of the City Council.

A January 6, 2014, post on *Politicker* commented on the reports of both Councilmember Mark-Viverito and Councilmember Daniel Garodnick, then candidates to become Speaker of the City Council.

The race for Brooklyn District Attorney:

A February 24, 2014, article in *DNAinfo New York* discussed Brooklyn District Attorney Kenneth Thompson's annual disclosure report and his involvement in the movie business.

The June 3, 2014, *New York Times* website posting of the Department of Investigation's report concerning former Brooklyn District Attorney Charles Hynes revealed his concern with the timely filing of his report and that of his opponent, Kenneth Thompson.

Annual Disclosure Reports of the Mayor, Comptroller, Public Advocate, and Speaker of the City Council released on June 5, 2014:

On June 5, 2014, the *Daily News* posted two articles: The first reported that Mayor de Blasio and cable personality Robin Byrd belong to the same political club, and the second discussed Speaker Mark-Viverito's real estate, rental income, and credit card debt. That day's issue of *Capital Pro* compared Mayor de Blasio's wealth with that of former Mayor Michael Bloomberg.

A June 6, 2014, *Daily News* article expanded on the previous day's article to include a discussion of the Mayor's assets; a *New York Post* article assessed the Speaker's real estate holdings; and the *Wall Street Journal* questioned the propriety of a private firm paying for a trip of the Speaker that included her attendance at a fundraiser.

Articles in the June 5, 2014, issue of the *New York Daily News* and the June 9, 2014, issue of *El Diario* remarked on the size of the Mayor's retirement accounts.

Release of the Annual Disclosure Reports of the members of the City Council, the borough presidents, and the district attorneys on July 15, 2014, resulted in the following articles on July 16, 2014:

NY1 reported that the annual disclosure reports of City Council members showed less outside income than in years past.

The *Daily News* and the *New York Observer* reported that Councilmember Maria del Carmen Arroyo wins thousands of dollars during monthly gambling trips.

The *New York Observer* claimed Brooklyn Borough President Eric Adams failed to report income on rental property, noted Councilmember Stephen Levin, an opponent of fracking, collected royalties from natural gas drilling companies, and revealed the credit card debt of various Councilmembers.

Capital Pro named two Councilmembers who requested privacy for certain information disclosed in their reports, commented on the credit card debt and multiple pensions of other Councilmembers, and highlighted Borough President Brewer's stock market investments while she was a Councilmember.

An August 1, 2014, *Queens Ledger* article discussed the annual disclosure reports of Councilmembers from that borough.

Trial of Councilmember Dan Halloran:

NY1 reported that the annual disclosure report of former Councilmember Dan Halloran played a part in his testimony at his corruption trial and displayed the actual report.

Wealth of Public Servants:

The July 21, 2014, *New York Observer* noted that Kenneth Thompson took a significant pay cut to become Brooklyn District Attorney.

The August 27, 2014, issue of *Capital New York* commented on the wealth of high level City officials. Specifically, an August 28, 2014, *Daily News* article noted the wealth of Police Commissioner William Bratton, and the August 29, 2014, issue of *City and State* named three City officials as winners for their personal wealth. In addition, a September 2, 2014, *New York Post* article mentioned the investments of three City commissioners in a pizza restaurant, sneaker company, and energy supplier.

Public Libraries:

A February 9, 2014, *Daily News* article noted that senior library officials were not required to file annual disclosure reports, which City Councilmembers vowed to change.

An October 27, 2014, *Library Journal* article reported that Councilmember Van Bramer had introduced legislation requiring the libraries to be subject to oversight, including senior officials being required to file annual disclosure reports.

Miscellaneous:

A May 28, 2014, *Wall Street Journal* article noted Councilmember King's failure to timely submit his 2013 annual disclosure report.

In October and November, numerous articles in various news publications reported on the failure of Rachel Noerdlinger, Chief of Staff to the First Lady, to make full disclosure on her annual disclosure reports. The *New York Times* noted the information that was added and changed when she amended her report and, in an article and in an appearance by its reporter on *NY1*, *The Wall Street Journal* noted the number of times the report was amended.

An October 12, 2014, *New York Post* article about the Medical Examiner's Office noted that the Board permitted a City employee to supervise his former employer as part of his City position but that he did not disclose any outside income from this former employer.

A November 16, 2014, *New York Times* article discussing landlords' dissatisfaction with the Mayor mentioned the Mayor's annual

disclosure report and his response to the claim that he had failed to report rental income in that report.

6. PROPOSED AMENDMENTS TO CHAPTER 68

The Board had a busy and successful year providing advice to City employees, enforcing violations of the City's ethics law, administering annual disclosure, and training City employees. However, Chapter 68 of the New York City Charter has gone largely unchanged since it was first enacted almost 25 years ago, and some changes are needed. Indeed, City Charter § 2603(j) requires that, at least once every five years, the Board "shall review the provisions of this chapter and shall recommend to the council . . . such changes or additions as it may consider appropriate or desirable." The Board did so in August 2009, when it issued a comprehensive report proposing extensive amendments to the Conflicts of Interest Law. A handful of those proposals were enacted in 2010 upon recommendation of the Charter Revision Commission.¹⁹ But the Board's other proposals have not been considered.

In particular, one of the Board's highest legislative priorities for many years has been a Charter amendment providing the Board with an independent budget. Virtually alone among City agencies, the Board has the power to sanction violations of the law by the very public officials who set its budget. The Board believes that is in itself an unseemly conflict that can only undermine the Board's independence in the eyes of the public and of public servants. That situation should be rectified through a Charter amendment removing the Board's budget from the discretion of the public officials who are subject to the Board's jurisdiction.

7. ADMINISTRATION AND INFORMATION TECHNOLOGY

The Board thanks its Director of Administration, Varuni Bhagwant, and Administrative Coordinator, Iris Wright, for their continued perseverance in the face of increasing administrative burdens. The Board also thanks its Director of

¹⁹ In 2010, the Charter Revision Commission recommended, and the voters approved, three of the Board's proposals: mandating that every City public servant obtain training in the Conflicts of Interest Law, increasing from \$10,000 to \$25,000 the maximum civil fine for a violation of Chapter 68, and empowering the Board to order a public servant to disgorge to the City any gain or benefit he or she received as a result of a violation of Chapter 68. Those provisions are now part of Chapter 68, in Sections 2603(b), 2606(b), and 2606(b-1) of the Charter.

Information Technology, Derick Yu, who single-handedly keeps the Board's computer and other technology resources running. He has provided the Board with the technical expertise necessary to implement changes to the Board's electronic financial disclosure application and develop the Board's case management software and has supervised the implementation of upgrades to the Board's IT infrastructure, including the pending replacement of the agency's phone system with Voice Over Internet Protocol.

EXHIBITS
AND
APPENDICES

EXHIBIT 1
CONFLICTS OF INTEREST BOARD: 1993, 2001, 2013, 2014

<i>Agencywide</i>	1993	2001	2013	2014
Adopted Budget (Fiscal Year)	\$1,132,000 (FY94)	\$1,698,669 (FY02)	\$2,033,472 (FY14)	\$2,117,472 (FY15)
Staff (budgeted)	26	23 ^{3/5}	22	22
<i>Legal Advice</i>	1993	2001	2013	2014
Staff	6½ (4½ attorneys)	4 (3 attorneys)	4 attorneys	3 attorneys ¹
Telephone requests for advice	N/A	1,650	3,536	4,353
Written requests for advice	321	539	552	597
Issued opinions, letters, waivers, orders	266	501	559	480
Opinions, etc. per attorney	53	167	140	160
Pending requests at year end	151	40	107	174
Median time to respond to requests	N/A	N/A	22 days	28 days
<i>Enforcement</i>	1993	2001	2013	2014
Staff	½	5 (4 attorneys)	5 (4 attorneys)	5 (4 attorneys)
New complaints received	29	124	506	488
Cases closed	38	152	508	524
Dispositions imposing fines	1	9	62	78
Public warning letters	0	2	26	17
Fines imposed	\$500	\$20,450	\$124,050	\$184,405
Referrals to DOI	19	49	71	55
Reports from DOI	N/A	43	108	181

¹ The Deputy General Counsel line was vacant for eight months in 2014, and the new Deputy General Counsel had to spend much of his time disposing of enforcement cases.

<i>Training and Education</i>	1993	2001	2013	2014
Staff	1	4 ³ / ₅	4	4
Training sessions	10	190 24 agencies; CLE	542 42 agencies; Brown Bag Lunches; multiple CLE offerings; training for all employees of 15 agencies; new presentation for Citywide seminar	599 43 agencies; Brown Bag Lunches; Ethics Liaison Meet-up; multiple CLE offerings; training for all employees of 11 agencies; new presentation for Citywide seminar
Dept. of Education training	None	116 training sessions; BOE leaflet, booklet, videotape	18 classes taught	320 classes taught; new handbook for Therapists
Publications	6 Poster, Chapter 68, Plain Language Guide, Annual Reports	Over 50 Ethics & Financial Disclosure Laws & Rules; leaflets; <i>Myth of the Month</i> (CHIEF LEADER); Plain Language Guide; Board of Ed pamphlet; outlines for attorneys; <i>CityLaw</i> , <i>NY Law Journal</i> , <i>NYS Bar Ass'n</i> articles; chapters for ABA, NYSBA, & international ethics books; Annual Reports; poster; newsletter	Over 50 Continued monthly column in <i>The Chief</i>	Over 50 Continued monthly column in <i>The Chief</i>
Ethics newsletter	None	<i>Ethical Times</i> (Quarterly)	<i>Ethical Times</i> switched to monthly	<i>Ethical Times</i> (Monthly), <i>Public Service Puzzler</i> (Monthly)

<i>Training and Education (cont'd)</i>	1993	2001	2013	2014
Videotapes	None	3 half-hour training films; 2 PSA's	New video series, "Ethics Express: Conflicts of Interest in Five Minutes or Less" begun. First clip completed.	"Ethics Express: Conflicts of Interest in Five Minutes or Less" five clips posted.
Electronic training	None	Computer game show; Crosswalks appearances	Development plan with DCAS agreed upon for 2014; revamped computer game show	Development with DCAS on hold until they find the appropriate vendor; Training Twitter feed begun.
<i>Annual Disclosure</i>	1993	2001	2013	
Staff	12	5	5	5 ²
6-year compliance rate	99%	98.6%	98.2%	98.2%
Fines collected	\$36,051	\$31,700	\$27,750	\$19,000
Reports reviewed for completeness (mandated by Charter & NYS law)	All (12,000)	400	6,661	7,647
Reports reviewed for conflicts (mandated by law)	350	38	6,661	7,647
Filing by City-affiliated entities (e.g., not-for-profits and public authorities) under PAAA	0	0	29 PAAA entities filed	33 PAAA entities filed
Electronic filing	None	In development	With limited exceptions (PAAA filers, candidates, and assessors), all filers file electronically	With limited exceptions (PAAA filers, uncompensated members of policymaking boards and commissions, candidates, and assessors), all filers file electronically

² The Unit consisted of four staff members from July through December after the departure of the Board's annual disclosure analyst.

EXHIBIT 2

COIB MEMBERS, STAFF, AND FORMER MEMBERS 2014

Members

Nicholas Scoppetta, Chair (*until February 2014*)
Richard Briffault, Chair (*beginning March 2014*)
Fernando Bohorquez (*beginning April 2014*)
Anthony Crowell
Andrew Irving
Burton Lehman (*until March 2014*)
Erika Thomas-Yuille

Staff

Executive

Mark Davies, Executive Director

Legal Advice

Wayne G. Hawley, Deputy Executive Director & General Counsel
Ethan Carrier, Deputy General Counsel (*beginning part-time Aug. 2014*)
Jessie Beller, Associate Counsel
Amber Gonzalez, Assistant Counsel

Enforcement

Carolyn Lisa Miller, Director of Enforcement
Bre Injeski, Deputy Director of Enforcement
Ethan Carrier, Associate Counsel (*full-time until Aug. 2014, part-time thereafter*)
Jeffrey Tremblay, Assistant Counsel
Maritza Fernandez, Litigation Coordinator

Annual Disclosure

Julia Davis, Director of Annual Disclosure & Special Counsel
Joanne Giura-Else, Deputy Director of Annual Disclosure
Holli R. Hellman, Associate Electronic Financial Disclosure Project Manager and
Supervising Annual Disclosure Analyst
Veronica Martinez Garcia, Administrative Assistant
Daisy Garay, Annual Disclosure Analyst and Agency Receptionist (*until June 2014*)

Training and Education

Alex Kipp, Director of Training and Education
Philip Weitzman, Senior Trainer
Rob Casimir, Trainer
Samantha Quinn Haisley, Trainer

Administrative

Varuni Bhagwant, Director of Administration
Iris Wright, Administrative Coordinator

Information Technology

Derick Yu, Director of Information Technology

Interns and Volunteers

Volunteer Attorneys

Seth Cummins

Law School Interns

Terrence Griffiths

Rachel Scall

College Interns

Sara A. Koutcher

Former Members of the Board

Merrill E. Clarke, Jr., Chair	1989
Beryl Jones	1989-1995
Robert J. McGuire	1989-1994
Sheldon Oliensis, Chair	1990-1998
Shirley Adelson Siegel	1990-1998
Benjamin Gim	1990-1994
Benito Romano, Acting Chair (1998-2002)	1994-2004
Jane W. Parver	1994-2006
Bruce A. Green	1995-2005
Angela Mariana Freyre	2002-2011
Steven B. Rosenfeld, Chair	2002-2012
Kevin J. Frawley	2006-2009
Monica Blum	2004-2013
Burton Lehman	2009-2014
Nicholas Scoppetta, Chair	2012-2014

EXHIBIT 3
TRAINING AND EDUCATION CLASSES ON CHAPTER 68

<u>Year</u>	<u>DOE Classes</u>	<u>Other Agency Classes</u>	<u>Total Classes¹</u>
1996	0	30	30
1997	0	90	90
1998	10	53	63
1999	23	69	92
2000	221	156	377
2001	116	74	190
2002	119	167	286
2003 ²	43	139	182
2004	119	169	288
2005	80	162	242
2006 ³	43	151	194
2007	75	341	416
2008	51	484	535
2009 ⁴	33	253	286
2010 ⁵	9	270	279
2011	21	297	318
2012 ⁶	34	307	341
2013	18	524	542
2014	320	279	599

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

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

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

⁴ For five months during 2009 the Unit had a staff of only one.

⁵ For eight months during 2010 the Unit had a staff of only one.

⁶ The Unit's complement was expanded from two to four in July 2012.

EXHIBIT 4

COIB TRAINING CLASSES BY AGENCY

Agencies that held ten or more classes are in bold.
 Agencies that held three to nine classes are in *italics*.
 Agencies that held one or two classes are not separately listed.

2007	2008	2009 ¹	2010 ²	2011	2012 ³	2013	2014
Buildings DCAS DDC DOHMH Education FDNY Finance FISA HHC NYCHA TLC CCRB Community Boards DCP DoITT DYCD EDC HPD HRA NYCERS NYPD Parks	Buildings DCAS DDC Education OATH/ECB Health Sanitation TLC ACS Aging City Council Community Boards Correction DoITT EDC Finance Fire Dept. Law MOCS NYCERS NYCHA	Buildings City Council DCAS DoITT Education FISA NYCHA TLC CCHR CCRB Community Boards DCA DDC DOHMH DOF DOT DPR DSNY DYCD EDC FDNY HRA NYCERS OATH SBS	Buildings City Council DCAS DOF DOT HRA Not-for-profits Receiving Discretionary Grants Bronx Borough President Community Boards DDC DOHMH DoITT DPR FDNY HHC HPD	Buildings City Council DCAS DDC DOE DOF OATH SCA Community Boards DOHMH DoITT DYCD EDC FDNY HRA Manhattan BP MOCS NYCERS Not-for-profits Receiving Discretionary Grants OEM SBS	ACS City Council Comptroller DCAS DOE DOHMH DOT HRA NYCERS TLC Borough President (M) Community Boards DDC DEP DOB DOF DoITT DSNY EDC FDNY FISA OLR Police Pension Richmond Cty. DA's Office	ACS City Council BOE BoERS DA (M) DCAS DDC DFTA DHS DOB DOE DOF DoITT DOT HRA SCA TRS Parks Community Boards DA -- Bx DEP DOHMH DSNY DYCD EDC FDNY HDC MOCS OEM OPA	City Council Community Boards Comptroller DDC DOE DOF DOHMH DoITT DOT HRA Parks COIB DA - M DCAS DEP DOB DOC DSNY EDC FDNY Mayor's Office Mayor's Office Vs. Domestic Violence NYCHA OEM Public Advocate SBS
Agencies Holding One or Two Classes: 39	Agencies Holding One or Two Classes: 23	Agencies Holding One or Two Classes: 24	Agencies Holding One or Two Classes: 20	Agencies Holding One or Two Classes: 16	Agencies Holding One or Two Classes: 17	Agencies Holding One or Two Classes: 13	Agencies Holding One or Two Classes: 17
Total Classes: 416	Total Classes: 535	Total Classes: 286	Total Classes: 279	Total Classes: 318	Total Classes: 341	Total Classes: 542	Total Classes: 599

¹ For five months during 2009 the Unit had a staff of one.

² For eight months during 2010 the Unit had a staff of one.

³ The Training Unit's complement was expanded from two to four in July 2012.

EXHIBIT 5
RECIPIENTS OF OLIENSIS & PIERPOINT AWARDS

Sheldon Ollensis Ethics in City Government Award

2014	Rose Gill Hearn (Department of Investigation)
2013	Samantha Biletsky (Department of Education)
2012	Marla Simpson (Mayor's Office of Contract Services)
2010	Daisy Lee Sprauve, Rose Tessler, Jonathan Wangel (Department of Health and Mental Hygiene)
2009	Ricardo Morales (New York City Housing Authority)
2007	Department of Buildings
2005	The Center for New York City Law at New York Law School
2004	Saphora Lefrak (City Council)
2003	Department of Investigation
2002	Department of Environmental Protection
2001	Department of Transportation
1999	Sheldon Ollensis (Conflicts of Interest Board)

Powell Pierpoint Award for Outstanding Service to the Conflicts of Interest Board

2014	Burton Lehman
2013	Steven Rosenfeld and Monica Blum
2012	Wayne Hawley
2011	Angela Mariana Freyre
2009	Mark Davies
2008	Robert Weinstein
2007	Jane Parver
2006	Bruce Green
2005	Benito Romano
2003	Andrea Berger
1999	Shirley Adelson Siegel

EXHIBIT 6
LEGAL ADVICE SUMMARY: 1993 TO 2014

	1993	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)	2012 (Increase v. 2011)	2013 (Increase v. 2012)	2014 (Increase v. 2013)
Staff	5 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	4 attorneys	3 attorneys ¹
Telephone requests for advice	N/A	3277 (-14%)	3246 (-1%)	3310 (+2%)	3213	3536 (+10%)	4,353 (+23%)
Written requests for advice	321	557 (-11%)	599 (+8%)	582 (-3%)	581	552 (-5%)	597 (+8%)
Issued opinions, letters, waivers, orders	266	484 (-16%)	523 (+8%)	523	471 (-10%)	559 (+19%)	480 (-14%)
Opinions, etc. per attorney	53	121 (-16%)	131 (+8%)	131	118 (-10%)	140 (+19%)	160 (+14%)
Pending written requests at year end	151	138 (-14%)	162 (+17%)	166 (+2%)	221 (+33%)	107 (-52%)	174 (+63%)
Median time to respond to requests	N/A	24 days	24 days	29 days	28 days	22 days	28 days

¹ The Deputy General Counsel line was vacant for eight months in 2014, and the new Deputy General Counsel had to spend much of his time disposing of enforcement cases.

EXHIBIT 7
WRITTEN REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Requests Received</u>
1996	359
1997	364
1998	496
1999	461
2000	535
2001	539
2002	691
2003	559
2004	535
2005	515
2006	568
2007	613
2008	624
2009	557
2010	599
2011	582
2012	581
2013	552
2014	597

EXHIBIT 8
WRITTEN RESPONSES TO REQUESTS FOR ADVICE ON CHAPTER 68

<u>Year</u>	<u>Staff Letters</u>	<u>Waivers/ (b)(2) Letters</u>	<u>Board Letters, Orders, Opinions</u>	<u>Total</u>
1996	212	49	25	286
1997	189	116	24	329
1998	264	111	45	420
1999	283	152	28	463
2000	241	179	52	472
2001	307	148	46	501
2002	332	147	26	505
2003	287	165	83	535
2004	252	157	61	470
2005	241	223	79	543
2006	178	158	79	415
2007	269	246	90	605
2008	253	226	95	574
2009	170	231	83	484
2010	208	234	81	523
2011	188	250	85	523
2012	155	246	70	471
2013	210	282	67	559
2014	221	210	49	480

EXHIBIT 9
CHAPTER 68 ENFORCEMENT CASES

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
New Complaints	29	50	64	63	81	148	124	221	346	307
Cases Closed	33	32	54	76	83	117	152	179	243	266
Dispositions Imposing Fines	1	1	2	9	4	10	9	6	3	6
Public Warning Letters	0	1	0	0	0	2	2	0	0	0

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
New Complaints	370	330	466	510	445	526	441	437	506	488
Cases Closed	234	557	426	508	476	523	507	446	508	524
Dispositions Imposing Fines	11	21	62	136	98	74	66	89	67	78
Public Warning Letters	1	6	26	16	23	37	19	14	29	17

EXHIBIT 10
ENFORCEMENT SUMMARY: 2006 to 2014

	2006 (Increase v. 2005)	2007 (Increase v. 2006)	2008 (Increase v. 2007)	2009 (Increase v. 2008)	2010 (Increase v. 2009)	2011 (Increase v. 2010)	2012 (Increase v. 2011)	2013 (Increase v. 2012)	2014 (Increase v. 2013)
Staff	4 (2 attorneys ¹)	5 (4 attorneys)	5 (4 attorneys ²)	5 (4 attorneys ³)	5 (4 attorneys)	5 (4 attorneys ⁴)	5 (4 attorneys ⁵)	5 (4 attorneys ⁶)	5 (4 attorneys ⁷)
New complaints received	330	466 (+41%)	510 (+9%)	445 (-13%)	526 (+18%)	441 (-16%)	437 (-0.1%)	506 (+14%)	488 (-4%)
Cases closed	557	426 (-24%)	508 (+19%)	476 (-6%)	523 (+10%)	507 (-3%)	446 (-12%)	508 (+16%)	524 (+3%)
Dispositions imposing fines	21	62 (+195%)	136 (+119%)	98 (-28%)	74 (-24%)	66 (-11%)	89 (+35%)	67 (-25%)	78 (+16%)
Public warning letters	6	26 (+333%)	16 (-38%)	23 (+44%)	37 (+61%)	19 (-49%)	14 (-26%)	29 (+101%)	17 (-41%)
Fines imposed	\$30,460	\$87,300	\$155,600	\$161,076	\$145,850	\$145,769	\$198,876	\$131,750	\$184,405
Referrals to DOI	171	115 (-33%)	112 (-3%)	74 (-34%)	77 (+4%)	64 (-17%)	67 (+5%)	75 (+12%)	56 (-25%)
Reports from DOI	225	282 (+25%)	310 (+10%)	187 (-40%)	259 (+39%)	169 (-35%)	204 (+21%)	193 (-5%)	182 (-6%)

¹ The Enforcement Unit had only two attorneys for several months in 2006.

² The Enforcement Unit had one attorney on leave for several months in 2008.

³ The Enforcement Unit had one attorney on leave for several months in 2009.

⁴ The Enforcement Unit lacked one attorney for 3½ months in 2011.

⁵ The Enforcement Unit lacked one attorney for 7½ months in 2012.

⁶ The Enforcement Unit lacked one attorney for two months in 2013.

⁷ The Enforcement Unit lacked one attorney for five months in 2014.

EXHIBIT 11 **ANNUAL DISCLOSURE REPORTS**

Reporting Year ¹ (<u>"R.Y."</u>)	Number of Reports Required for R.Y.	Reports Filed for R.Y.	Compliance Rate for R.Y. ²	Number of Fines Waived for R.Y.	Number of Fines Paid for R.Y.	Amount of Fines Paid for R.Y.	Current Non-Filers for R.Y. Act.Inact. ³		Current Non- Payers for R.Y. Act.Inact.	
2008*	7,866	7,676	97.9%	117	42	\$13,625	0	63	0	43
2009*	7,921	7,763	98.7%	67	61	\$20,550	0	54	0	52
2010*	8,244	8,089	98.1%	63	51	\$17,250	0	67	0	92
2011*	8,239	8,117	98.8%	64	44	\$15,250	0	63	0	68
2012*	8,805	8,615	98.1%	123	63	\$24,500	0	83	0	73
2013	9,050	8,827	97.7%	89	36	\$13,000	10	122	10	80
TOTALS	50,125	49,087	98.2%	523	297	\$104,175 ⁴	10	452	10	408

¹ The reporting year is the year to which the annual disclosure report pertains; the report is submitted the following calendar year.

² Includes those individuals who have appealed their agency's determination that they were required filers.

³ "Act." indicates active City employees; "inact." indicates inactive City employees.

⁴ The total amount of fines collected since the Board assumed responsibility for annual disclosure in 1990 is \$621,448.

* The numbers reported in this chart have been updated to reflect activity since the 2013 annual report.

ADVISORY OPINIONS & ENFORCEMENT CASES OF THE BOARD

SUMMARIES AND INDEXES

*A link to the full text of the Board's advisory opinions
and enforcement cases may be found on the Board's
website at <http://nyc.gov/ethics>.*

**CUMULATIVE INDEX TO ADVISORY OPINIONS
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1990-2014**

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2601(10)	03-1	09-2			
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2601(16)	90-1 92-9 94-10 95-21 02-1 09-7	91-2 93-7 94-13 97-3 03-2 12-1	92-5 93-17 94-18 98-2 03-7	92-6 93-22 95-10 98-3 07-2	92-7 94-3 95-18 98-5 07-4
2601(17)	93-8 12-2	93-12	95-23	00-2	08-4
2601(18)	91-14 92-30 93-22 98-8	92-5 93-5 93-29 99-6	92-6 93-7 94-6 01-3	92-7 93-16 98-5 07-2	92-9 93-17 98-7 09-2
2601(19)	90-7 93-10 (Revised) 98-7 09-6	91-2 03-5 10-1	91-3 93-29 04-1	91-12 94-6 09-3	93-7 98-5 09-4
2601(20)	91-12 01-3	93-7 08-5	94-6 09-2	98-5	98-7
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<u>CHARTER §</u>	<u>OPINION #</u>				
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	06-1	07-1	07-2	07-1	07-4
	08-2	09-2	10-1		
2604(a)(1)(b)	90-2	91-7	92-6	92-9	92-11
	92-30	92-34	92-35	93-4	
	93-10 (Revised)		93-16	93-20	93-27
	94-1	94-3	94-8	94-10	94-11
	94-13	94-16	94-18	94-20	94-25
	94-26	94-27	95-3	95-8	95-10
	95-11	95-15	95-16	95-17	95-21
	95-25	95-26	96-2	97-3	98-2
	98-3	98-5	98-7	99-2	99-6
	00-1	01-3	03-6	03-7	05-2
	09-2	09-4	09-7	12-1	12-5
2604(a)(3)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-01
	07-4	12-1			
2604(a)(4)	92-5	92-6	92-9	92-11	92-35
	93-7	93-22	93-27	94-1	94-3
	94-8	94-11	94-13	94-20	95-21
	95-26	97-3	98-2	98-3	02-1
	07-4	12-1			
2604(a)(5)(a)	02-1	07-4			
2604(a)(5)(b)	91-14				
2604(b)(1)(a)	92-22	94-28 (Revised)		05-3	08-3
	09-2				
2604(b)(1)(b)	91-3	93-2	93-3	95-18	96-4
	99-1	03-2	04-1	05-3	08-2
	10-1				
2604(b)(2)	90-2	90-4	90-5	90-7	91-1
	91-3	91-4	91-5	91-6	91-7
	91-10	91-11	91-16	91-18	92-7
	92-8	92-20	92-25	92-28	92-30
	92-34	92-36	93-1	93-5	93-9
	93-12	93-15	93-16	93-17	93-19
	93-21	93-24	93-25	93-26	93-28

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	94-13	94-14	94-16	94-24	94-25
	94-26	94-29	95-2	95-3	95-7
	95-9	95-11	95-12	95-16	95-17
	95-19	95-20	95-22	95-24	95-25
	95-26	95-27	95-28	95-29	96-2
	96-5	98-2	98-5	98-6	98-7
	98-8	98-10	98-12	98-13	98-14
	99-2	99-4	99-5	99-6	00-3
	01-2	01-3	02-01	03-1	03-3
	03-4	03-6	03-7	04-2	04-3
	05-1	05-2	06-2	06-3	06-5
	07-2	07-4	08-3	08-6	09-1
	09-2	09-3	09-7	10-1	12-1
	12-5	13-1	13-2		
2604(b)(3)	90-4	90-5	90-6	90-9	91-1
	91-4	91-5	91-6	91-7	91-11
	91-15	91-16	91-18	92-3	92-4
	92-6	92-7	92-10	92-12	92-14
	92-23	92-25	92-28	92-30	92-31
	92-33	92-36	93-1	93-4	93-9
	93-10 (Revised)		93-12	93-14	93-16
	93-19	93-21	93-23	93-24	93-25
	93-26	93-28	93-31	93-32	94-1
	94-2	94-6	94-8	94-9	94-11
	94-12	94-13	94-16	94-17	94-20
	94-24	94-25	94-26	94-27	
	94-28 (Revised)		94-29	95-3	95-5
	95-9	95-11	95-12	95-14	95-16
	95-17	95-19	95-20	95-21	95-22
	95-24	95-25	95-26	95-27	95-28
	95-29	96-2	97-2	97-3	98-1
	98-2	98-3	98-5	98-7	98-8
	98-10	98-12	98-13	99-2	99-4
	99-5	99-6	00-3	00-4	01-1
	01-2	01-3	02-1	03-1	03-2
	03-3	03-4	03-6	03-7	04-2
	04-3	05-2	05-3	06-2	06-3
	06-4	06-5	07-2	07-4	08-2
	08-3	08-6	09-1	09-2	09-3
	09-7	11-1	11-2	12-1	12-3
	12-5	13-1			
2604(b)(4)	91-11	92-30	92-34	92-36	
	93-10 (Revised)		93-16	93-24	93-25
	93-26	93-28	93-31	93-32	94-1

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	94-2	94-6	94-8	94-11	94-13
	94-16	94-20	94-25	94-26	94-29
	95-3	95-9	95-12	95-16	95-17
	95-19	95-20	95-21	95-26	95-29
	96-2	97-3	98-1	98-3	98-5
	98-7	98-8	98-10	98-13	99-2
	99-4	99-5	99-6	01-2	01-3
	02-1	03-6	03-7	05-1	05-2
	07-4	11-1	12-1	12-5	
2604(b)(5)	90-3	92-19	92-33	93-10 (Revised)	
	94-4	94-9	94-23	95-28	96-3
	99-4	00-1	00-4	03-4	06-2
	06-3	06-4	06-5	07-3	09-4
	10-2	11-2	12-3	12-4	13-1
2604(b)(6)	91-7	92-7	92-26 (Revised)		92-28
	92-36	93-10 (Revised)		93-32	94-24
	95-6	95-8	95-9	95-15	96-4
	96-5	98-2	98-9	98-10	00-1
	01-3	03-6	05-2	06-1	07-2
	08-1	08-5	11-1	12-5	
2604(b)(7)	90-7	91-7	92-18	92-28	
	93-10 (Revised)		93-23	95-8	98-10
	01-3	08-5			
2604(b)(8)	91-7				
2604(b)(9)	93-24	95-13	95-24	01-1	01-2
	03-1	03-6	12-5	13-1	
2604(b)(11)	93-24	95-13	01-1	01-2	03-1
	03-6	12-5	13-1		
2604(b)(12)	91-12	92-25	93-6	93-24	95-13
	01-1	01-2	03-1	03-5	03-6
	09-6	12-5			
2604(b)(13)	92-34	93-25	95-28	99-4	99-5
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2604(b)(14)	92-28	98-12	01-3	03-6	04-2
	04-3	06-3	08-3	09-3	12-5
	13-1				

<u>CHARTER §</u>	<u>OPINION #</u>				
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2604(c)(5)	98-4				
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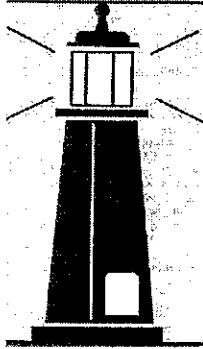
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CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the City Council Committee on Standards and Ethics
On the Conflicts of Interest Board Budget
March 12, 2015

Citizens Union presents this written testimony for the record in lieu of appearing in person at the March 12, 2015 Preliminary Budget Hearing.

As the City Council considers the budget of the Conflicts of Interest Board (COIB), Citizens Union would like to reiterate its support for an independent budget for the agency, which was adopted as part of our charter revision recommendations for the 2010 Charter Revision Commission.¹ As you know, the Conflicts of Interest Board's budget (COIB) is determined during budget negotiations between the mayor and the City Council as part of the annual budget process.

As the only city agency that regulates the ethical conduct of the very persons who set its budget, often at the very time of budget negotiations, the establishment of an independent budget makes sense for the agency so that it is not subject to the annual fiscal negotiation between the City Council and the mayor. While the COIB's budget is not at risk for a cut this year, we believe budget independence is important regardless of whether a future mayor or speaker has similar views of the office. While the preliminary budget proposes a modest increase of \$95,000 from the adopted FY2015 budget to a total of \$2.2 million for FY2016, it should be noted that the COIB's staff level of 22 is still down from its previous level in 1993, when it was 26.

It is certainly possible that a future mayor or City Council politically opposed to the COIB could financially hobble the effectiveness of the COIB through budget cuts, rendering it unable to fulfill its established mission. Creating budget independence for the COIB would help eliminate this potential conflict.

The COIB previously identified a specific formula for independent funding: setting their budget at 1/7000th of one percent of the city's expense budget (for FY2016, it is proposed at \$77.730 billion), which would equal approximately \$5.4 million – more than double its current budget allocation. It should be noted that the COIB's calculation assumed it would receive additional powers through changes to the City Charter, including mandatory ethics training and education, which it did ultimately receive in 2010 as a result of the Charter Revision Commission's ballot proposal that was approved by the voters.

¹ Full report available at:

http://www.citizensunion.org/www/cu/site/hosting/Reports/0610CU_Charter_Revision_Report&Recommendations.pdf

Some have suggested the COIB's budget be linked to the Department of Investigation (DOI). DOI's proposed budget for FY2016 is \$23.8 million. The COIB argues that the DOI operates within a tight budget, and, like the COIB, is placed in the awkward position of reviewing the conduct of the elected officials that approve the COIB's budget. Therefore, a linkage with the DOI would not prevent those officials subject to investigation by the COIB or the DOI from retaliating or seeking to undermine either entity. In fact, it may very well make efforts to defang the DOI more efficient by simultaneously reducing the capacity of the COIB.

Linking the COIB's budget to the City's expense budget would allow for more independence because it would not be subjected to targeted budget cuts that may be political in nature. However, it would probably guarantee needed significant increases every year. Therefore, COIB's budget should be linked to another agency which the mayor and council have little incentive to cut and has stable responsibilities and duties. One such agency is the City Law Department. The Law Department's proposed budget for FY2016 is \$164 million.

If the COIB were linked to the City Law Department at a rate of at least 1.6 percent of the total law department budget as determined by the OMB, COIB's forecasted budget in FY2016 would be about \$2.6 million, slightly higher than the proposed budget for FY2016 of \$2.2 million. A slightly higher formula of 1.7 or 1.8 percent might also be worth considering depending upon the level of responsibility the agency has or is given in the future.

Recommendations:

- The Conflicts of Interest Board should also receive an independent budget that is pegged to the City Law Department. While Citizens Union has recommended independent budgeting for some city officials, COIB is the only agency for which it makes this recommendation. COIB is unique in that it oversees ethics across all agencies and elected officials' offices. Given this oversight role, it should not have its budget determined by the very people who are subject to its scrutiny and judgment. This distinct mission separates the COIB from other agencies seeking similar budget independence and justifies the request as being fundamental to its overarching function in the City Charter.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: WAYNE HAWLEY (COIB) (PLEASE PRINT)

Address: _____

I represent: Conflicts of Interest Board

Address: 2 Lafayette St

◆ Please complete this card and return to the Sergeant-at-Arms ◆



MEMORANDUM OF SUPPORT

Res. No. 435-A – A Local Law to amend

the administrative code of the city of New York,
in relation to requiring the department of education
to provide data regarding students receiving
special education services.

March 10, 2015

The Council of School Supervisors and Administrators (CSA),
which represents some 15,000 members, whole-heartedly
supports Int 435-A, which would require the Department of
Education to report information regarding students receiving
special education services.

CSA has always stood at the forefront of movements that would
add to the transparency of data coming from the department of
education. It is critical to assess this data in order to make sound
pedagogical policies that will foster greater achievement among
all of our students, especially those students who have been
classified as needing special education services.

CSA looks forward to working with the council to disaggregate
this information and help formulate policies and practices that
will better serve our most needy students.

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