



# BRONX COMMUNITY BOARD NO. 8

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## NOTICE OF MEETING

### LAW, RULES & ETHICS COMMITTEE

Date: September 9, 2019

Place: Board Office, 5676 Riverdale Avenue, Suite 100

Time: 7:00PM

### Agenda

- I. [Introduction of new/continuing members](#)
- II. [Approval of May, 2019 minutes](#)
- III. [Discussion of City Council Calendar](#)
- IV. [Discussion COIB Settlements](#)

### FOR IMMEDIATE RELEASE: May 7, 2019

The New York City Conflicts of Interest Board (the “Board”) announces settlements with two now-former employees of New York City Health + Hospitals who misused their City positions to benefit their associates.

The City’s conflicts of interest law prohibits public servants from using or attempting to use their City positions to obtain a financial benefit or other personal advantage for themselves or their associates. *See* City Charter Section 2604(b)(3). “Associate” includes a parent, child, sibling, spouse, domestic partner, or anyone with whom a public servant has a business or financial relationship.

**Use of Position; Use of City Time; Use of City Resources.** As part of his City duties, a now-former Associate Executive Director of Materials Management at Queens Hospital Center served as Chair of Queens Hospital’s Product Evaluation Committee, the body that reviews and selects medical products and equipment for Queens Hospital. At the same time, the Associate Executive Director’s son was a salesperson for a private medical products manufacturer.

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Over the course of two years, the Associate Executive Director repeatedly misused his high-level Health + Hospitals position to help his son sell medical products. This conduct included:

- Promoting his son's business interests to his Health + Hospitals colleagues, vendors, and contacts, including trying to facilitate a study of the efficacy of the company's products at Queens Hospital;
- Using his Health + Hospitals email account to exchange approximately 120 emails, mostly during his Health + Hospitals work hours, as well as using his Health + Hospitals telephone extensively to assist his son's business interests; and
- Using Health + Hospitals premises to host business meetings for his son's company and giving a sales presentation regarding the company's products by teleconference from his Health + Hospitals office.

The now-former Associate Executive Director paid a \$14,000 fine to the Board. The disposition is attached as "COIB Disposition (Health + Hospitals-1)."

**Use of City Position & Prohibited Interest.** In his private capacity, a now-former Health + Hospitals Associate Nurse Practitioner Level II was a paid speaker for the pharmaceutical companies GlaxoSmithKline ("GSK") and ViiV Healthcare, both of which do business with Health + Hospitals and other City agencies. Working as a paid speaker for companies that do business with the City is a violation of the City's conflicts of interest law. *See* City Charter § 2604(a)(1).

Over the course of eight years GSK and ViiV paid the Associate Nurse Practitioner over \$150,000 to speak at pharmaceutical events. Throughout this period, the Associate Nurse Practitioner prescribed GSK and ViiV medications to Health + Hospitals patients. By prescribing these medications, the Associate Nurse Practitioner improperly took official actions that benefited the companies that were paying him to speak. *See* City Charter § 2604(b)(3).

The now-former Associate Nurse Practitioner paid a \$5,000 fine to the Board. The disposition is attached as "COIB Disposition (Health + Hospitals-2)."

### **FOR IMMEDIATE RELEASE: May 14, 2019**

The New York City Conflicts of Interest Board (the "Board") announces three settlements.

**Confidential Information.** A now-former Deputy Director of Fleet for the New York City Department of Homeless Services ("DHS") was given access to a confidential New York State Department of Motor Vehicles database for performing his official duties. Over the course of four years, on multiple occasions, he accessed the database for non-City purposes, giving confidential information about vehicles and vehicle owners to several DHS coworkers, as well as his girlfriend and his girlfriend's brother. The now-former Deputy Director paid a \$3,500 fine to the Board. The City's conflicts of interest law prohibits public servants from disclosing confidential City information. (City Charter Section 2604(b)(4).) The disposition is attached as "COIB Disposition (DHS)."

**Use of City Position & Prohibited Superior-Subordinate Relationships.** A Head Nurse at the Burn Unit at Jacobi Medical Center borrowed a total of \$4,100 from Registered Nurses and Patient Care Associates who worked shifts under her supervision. The Head Nurse asked for and received:

- A \$2,000 loan from a Patient Care Associate, which she repaid over a year and a half later;
- A \$1,000 loan from a second Patient Care Associate, which she repaid ten months later;
- A \$600 loan from a Registered Nurse, which she did not repay; and
- A \$500 loan from a second Registered Nurse, which she did not repay.

The Head Nurse misused her City position by soliciting and accepting loans from her subordinates (City Charter Section 2604(b)(3)) and entered into prohibited financial relationships with her subordinates (City Charter Section 2604(b)(14)).

To resolve this matter, the Head Nurse repaid her outstanding loans to her subordinates and paid a \$2,500 fine to the Board. The disposition is attached as "COIB Disposition (H + H)."

**Use of City Position.** A Seasonal Timekeeping Supervisor for the New York City Department of Parks and Recreation (“DPR”) violated the conflicts of interest law by supervising her sister’s employment.

During the summer of 2017, the Seasonal Timekeeping Supervisor served as one of two supervisors for the Seasonal Timekeepers. During that time, the Supervisor’s sister was hired as a Seasonal Timekeeper. The sister’s day-to-day work was generally supervised by the other DPR supervisor, but the Seasonal Timekeeping Supervisor and the other DPR supervisor both trained the sister and approved her timesheets and overtime requests. Additionally, the Seasonal Timekeeping Supervisor had sole responsibility for supervising her sister on seven days when the other supervisor was out. By supervising her sister’s DPR employment, the Seasonal Timekeeping Supervisor used her City position to benefit her sister. *See* City Charter Section 2604(b)(3). In a settlement with the Board that took into account her relatively low-level position and the short period of time she supervised her sister, the Seasonal Timekeeping Supervisor paid a \$400 fine. The disposition is attached as “COIB Disposition (DPR).”

**FOR IMMEDIATE RELEASE: June 5, 2019**

The New York City Conflicts of Interest Board (the “Board”) announces four settlements with public servants who misused City time and City resources to pursue private business ventures. The City’s conflicts of interest law prohibits public servants from using City time and City resources, including City computers, email accounts, copiers, and telephones, for non-City purposes. *See* City Charter Section 2604(b)(2); Board Rules Sections 1-13(a) and 1-13(b).

1. A now-former Computer Specialist at the New York City Department of Information Technology and Telecommunications (“DoITT”) had a side venture as a licensed real estate agent. For over three and one-half years, he regularly used his DoITT computer to perform work for his real estate business, including storing and editing thousands of files related to the business; visiting real estate websites; and instant messaging DoITT coworkers regarding real estate deals. Much of this misconduct occurred during his City work hours.

The Computer Specialist also used DoITT telephones for hundreds of real estate-related calls; often used a DoITT photocopier to scan, email, and print real estate documents; and, during his DoITT work hours, offered to make a real estate referral for a co-worker, for which he received \$1,000, and performed work relating to the sale of a house to a co-worker, for which he earned a \$4,500 commission.

The now-former Computer Specialist paid a \$6,000 fine to the Board. The disposition is attached as “COIB Disposition (DoITT).”

2. In her private capacity, a now-former program producer and on-air television personality in the Mayor’s Office of Media and Entertainment (“MOME”) ran an online fashion website and a fitness business. She devoted over 78 hours of City time in pursuit of these private ventures. The program producer also used City resources to support these side businesses, including, on hundreds of occasions, her City computer and, on one occasion, MOME office space to film a video for one of these businesses.

The now-former program producer paid a \$4,500 fine to the Board. The disposition is attached as “COIB Disposition (Mayor’s Office).”

2. Over two and one-half years, an Assistant Director for Cellular & Specialty Leasing for the Department of Real Estate Services at the New York City Housing Authority (“NYCHA”) used her NYCHA email account during her NYCHA work hours to exchange 343 emails relating to the sale of Avon products. In a joint disposition with the Board and NYCHA, the Assistant Director agreed to an eight-workday suspension, valued at approximately \$3,760, and a one-year probationary evaluation period. The disposition is attached as “COIB Disposition (NYCHA).”

3. During a six-month period, a Computer Systems Manager for the New York City Department of Finance (“DOF”) used his DOF email account and DOF computer, mostly during his DOF work hours, to send 13 emails and 19 documents related to his private business as a wealth manager. The Computer Systems Manager also stored logos for this business on his DOF computer. The Computer

Systems Manager paid a \$1,250 fine to the Board. The disposition is attached as “COIB Disposition (DOF).”

**FOR IMMEDIATE RELEASE: June 24, 2019**

**The New York City Conflicts of Interest Board announces three settlements.**

**Expert Witness.** A Director of Service for the Ophthalmology Department at New York City Health + Hospitals Kings County Hospital earned \$14,750 by appearing as a paid expert witness in a medical malpractice case brought against Health + Hospitals. In his role as the plaintiff’s expert witness, the Director provided an affirmation submitted to the court and testified against Health + Hospitals. The City’s conflicts of interest law prohibits public servants from giving opinion evidence as a paid expert against the interest of the City in any civil litigation brought by or against the City. *See* City Charter Section 2604(b)(8). In addition to paying a \$2,500 fine, the Director paid the Board the \$14,750 he earned by violating the conflicts of interest law. The disposition is attached as “COIB Disposition (Health + Hospitals).”

**Prohibited Interest, Misuse of Position, Prohibited Appearances.** A New York City Department of Education (“DOE”) teacher also has a private business that provides DJ services for events. From 2014 through 2016, the teacher provided DJ services at his school for ten events, receiving a total of \$4,175 for his services. He arranged the DJ services with the school’s parent coordinator and submitted invoices to the school; school staff personally gave him a check for each event. The City’s conflicts of interest law prohibits public servants from: owning and operating a business that has business dealings with their own City agency (City Charter Section 2604(a)(1)(a)); using their City position to secure work for their private business (City Charter Section 2604(b)(3)); and communicating with the City on behalf of their private business (City Charter Section 2604(b)(6)). In a joint settlement with the Board and DOE, the teacher paid a fine to the Board of \$3,500. The disposition is attached as “COIB Disposition (DOE).”

**Conflict with Official Duties.** The Board issued a public warning letter as a reminder to all teachers not to enter into financial relationships with students – and a reminder to all public servants not to enter into a financial relationship with any person served by that public servant’s City agency. In this case, during the 2016-2017 school year, a DOE teacher ran a project with two students at her school to repair cracked cellphone screens; the teacher accepted money from students and faculty for the parts and labor to perform those repairs. On one occasion, she removed two students from their regular algebra class to do repair work, conduct that was in conflict with her official duties to educate students. (City Charter Section 2604(b)(2)). In issuing a public warning letter instead of seeking a fine, the Board took into consideration that there was no evidence that the teacher profited personally from the cellphone repair project. The public warning letter is attached as “COIB Public Warning Letter (DOE).”

I. [Information concerning City Charter](#)



New York City Hall. | Alon Adika/Shutterstock

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## The Charter Revision Commission approves 17 ballot initiatives

Here's what will be on New York City ballots this fall.

By [REBECCA C. LEWIS](#)

JUNE 13, 2019

Although 2019 is an off-year election, New York City voters will still have a lot to consider before heading to the polls. At a meeting Wednesday evening, the New York City Charter Revision Commission voted to approve 17 proposals to amend the City Charter that will go on the ballot.

The commission voted on a total of [18 draft proposals](#) split up under five groupings based on a [preliminary staff report](#) – election and redistricting, the Civilian Complaint Review Board, governance, finance and land use. In the election group, commissioners approved proposals creating establishing ranked-choice voting, changing the timing of special elections and amending the timing of redistricting.

Only three of the five CCRB proposals moved forward – one changing its structure in part by expanding the number of members, requiring an explanation when the police commissioner deviates from recommended discipline and the ability to delegate subpoena power to the CCRB executive director.

In governance, each proposal passed, changing how the corporation counsel gets appointed, giving one appointment each to the Conflicts of Interest Board to the public advocate and the New York City comptroller and establishing a mayoral office of minority and women-owned businesses.

Four of the five proposals in finance moved forward. They would require the City Council and mayor to establish a structure for units of appropriations, require that the mayor submit a budget estimate by May 25, change the timing for budget modifications and establish a “rainy day” fund.

Both of the two land use proposals advanced as well – establishing a Universal Land Use Review Process pre-certification notice period and providing community boards more time to review a ULURP application. Two particular measures garnered substantial debate, and were approved pending revisions made by staff. They would create guaranteed budgets for the Civilian Complaint Review Board, the borough presidents and the public advocate. In the case of the CCRB, the commission directed staff to revisit how the minimum budget would be calculated and to add in a mechanism that would allow the mayor to decrease its budget if necessary.

Commissioners raised similar concerns about the budgets for borough presidents and the public advocate. The proposal as written required the budgets to increase at minimum according to inflation. While many commissioners agreed the offices needed way to index increases based on an initial baseline, they could not agree on the best way to do that, so they told staff to look into it more. The commission agreed the guaranteed budgets are necessary, but will meet again on June 18 to vote on the amendments made by the staff.

The remaining proposal – which would have allowed the CCRB to investigate false statements made by a police officer that is the subject of a complaint – got rejected outright, so there is no possibility that it will appear on the November ballot.

Several of the approved measures included minor amendments, which will be added to the finalized ballot proposals the commission will adopt in July. Between then and now, the commission staff will create the official language of each that will appear on the ballot and produce a final report.



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Use

- II. Tentative dates for the next 2019 meetings – 2<sup>nd</sup> Tuesday
  - a. September 9
  - b. October 7 – **A new date is required (Kol Nidre)**
  - c. November 11 - **A new date is required (Veteran's Day)**
  - d. December 9
  - e. Jan 13
  - f. Feb 10 - **A new date is required (Purim)**
  - g. Mar 9
  - h. Apr 13
  - i. May 11
  - j. Jun 8

Martin Wolpoff, Chair  
Law, Rules & Ethics Committee