

NEW YORK CITY  
CONFLICTS OF  
INTEREST BOARD

Training for Bronx Community  
Boards



(212) 442-1400 | [nyc.gov.ethics](https://nyc.gov/ethics)

# NYC'S CONFLICTS OF INTEREST LAW



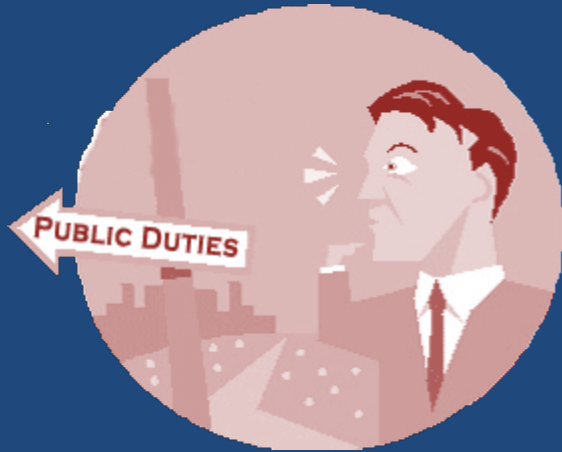
- CORE FUNCTION:
  - Preserve & promote public integrity by helping public servants address conflicts between public duties and **private interests** before those conflicts become ethics violations.

# NYC'S CONFLICTS OF INTEREST LAW

- CORE FUNCTIONS
  - Advice
    - Confidential
    - Free
    - Call 212-442-1400
    - [www.nyc.gov/ethics](http://www.nyc.gov/ethics)



# Discussions



## Voting

# Discussion

- MAY discuss when you have a conflict
  - BUT you MUST disclose

# Voting

- May not vote when you have a conflict

**THE END**

*Thank you!!!*

# Yeah, but what's a conflict?

- Conflict = voting would cause a direct economic gain or mitigation of loss for oneself or one's "associate"



**THE END**

*Thank you!!!*

# What's an “associate”?

- Associate = spouse, child, parent, sibling, or anyone with whom you have a financial relationship
  - E.g. client, business partner, debtor, creditor, landlord, tenant, employer, your supervisor at work, not-for-profit if you sit on its board

# Financial Conflicts - Can't Vote When There is Direct Economic Gain to:

- Own financial interests
  - Business
  - Property
- Associated Parties
  - Business Partners
  - Clients
  - Employers
    - Supervisors
    - If Employer is N-F-P, Funders of N-F-P over 10%
  - N-F-P Board Membership
- Prospective Employer
- Debtor/Creditor, Landlord/Tenant
- Close Relative

Can't Vote When There is **Direct**

Economic Gain to  
You or Associated Party

*An Example*



# My Bar:



## STEPS:

1. Disclose – “That’s my bar!”
2. Discuss - Participate in discussions
3. Do **NOT** Vote



**MINE**



**THEIRS**



*Another Example*



Sit on Board  
(for design expertise, obv.)



## STEPS:

1. Disclose – “I’m on the MoMA Board!”
2. Discuss - Participate in discussions
3. Do **NOT** Vote

# Conflicts of Office

- Conflict = voting on a matter involving a gov/quasi-gov agency, if employed by that agency



# Conflicts of Office - Can't Vote When Matter Involves One's Gov/Quasi-Gov Employer:

- Employment at Gov/Quasi Gov:
  - Fed, State, Local
  - Public Authorities
  - CUNY/SUNY
  - UN
  - Post Office
  - Charter Schools
  - Local Dev Corps
  - BPL/QPL

# My Gov/Quasi Gov Employer:

## STEPS:

1. Disclose – “That’s my agency!”
2. Discuss - Participate in discussions
3. Do NOT Vote

ALSO: Do not represent your gov  
agency before CB

# Voting Summary

- Use the 3 D's:
  - DISCLOSE
  - DISCUSS
  - DON'T VOTE

**CHAIRING**

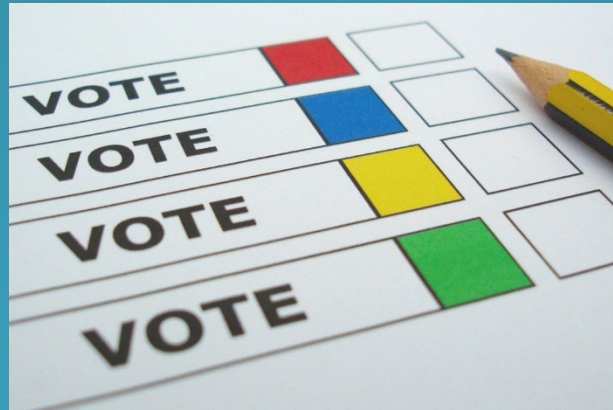


# Chairing

- CB Chairs:
  - If a matter for vote poses a conflict for the Board Chair, follow the three D's
    - (Disclose, discuss, don't vote)
  - ALSO: Can't chair ENTIRE MEETING

# Chairing Committees

- Committee Chairs:
  - If a matter for vote poses a conflict for the Committee Chair, follow the three D's
    - (Disclose, discuss, don't vote)
  - ALSO: Can't chair ENTIRE MEETING
  - ALSO: can't serve as Chair of Committee if you have to use 3-d's 3x or more in a 12 mo. period, or if you are employed by gov agency that falls under the jurisdiction of the committee
  - BUT – you may serve on any committee



# VOTE TABULATION

# Quorum

- Conflicts DO NOT affect quorum

# Quorum

*An Example*

# Quorum

- In a quorum meeting of 26, a matter is up or discussion and vote. 3 CB members have conflicts of interest.

# STEPS

- Before participating in discussion, each conflicted CB member DISCLOSES their respective conflict.
- The three conflicted members then participate in the DISCUSSION with the other 23 members of the quorum.
- The three CB members DO NOT VOTE
- Quorum is maintained at 26

# BUT!

- Conflicted members of quorum may not vote
- To pass, need more “yes” than “no” or “abstain”
- With 26 **present**, normally you need 14 “yes” votes to pass
- $26 \text{ minus } 3 = 23$
- Now only 12 “yes” votes needed to pass



# Eligible to Vote vs. Ineligible to Vote

- 3 Options:
  - Yes
  - No
  - Abstain
- Zero Options
  - Can't Vote Yes
  - Can't Vote No
  - Can't Abstain

**OTHER TOPICS**

# Misuse of Position

- “DO YOU KNOW WHO I AM?!!!”





Political Activity -

# Political Activities

## ▶ NOTE:

Political activity cs. “Politicized Activity”

- ▶ No misuse of City time/resources
- ▶ No misuse of City position
- ▶ No misuse of confidential info
- ▶ Follow agency rules (if any)



USE OF

# CITY TIME & RESOURCES!



## Public Servants May:

Use a limited amount of City Time and City Resources so long as the use is:

- Minimal

- Incidental

- Personal



Public Servants May Not Use any amount City Time and Resources for an Outside

**FINANCIAL OR  
POLITICAL PURPOSE**

(212) 442 1400  
[nyc.gov/ethics](http://nyc.gov/ethics)



# Political Activities - Soliciting



# Political Activities – Endorsements





# Gifts

- Gifts offered by dint of community board service should be refused.

# Gifts

- Gifts offered by dint of community board service should be refused.
- Two examples:

Juan is a CB member. For a long time, he has been a regular at the Dino's, a bar in his neighborhood. Occasionally, the bartender buys Juan a round.

Juan receives an invitation for a free dinner at The North Star, a new eatery in the neighborhood seeking a liquor license.

# Representing Private Clients

- Cannot wear two hats!
  - Professionals with clients – architects, lawyers, accountants, etc.
  - CANNOT represent clients before the CB
  - CB member's firm CANNOT represent clients the CB, unless board member gets a waiver

# Community Board Staff

- No Financial Relationship with CB staff
- No Political Solicitation of CB staff
- Close Relatives of CB members may not serve as CB staff

# Doing Business with a Community Board

- Examples –
  - Selling goods or services
  - Representing the CB as an attorney
  - Receiving reimbursements for expenses
  - Receiving grants
- None are possible without a waiver from COIB
  - Waivers of this sort are rare

# WAIVERS : When might a CB member need one?

- Seeking to do Business with the CB directly
- CB's firm where s/he is partner seeks to represent a client before the CB

# WAIVERS : When might a CB member need one?

- Get ball rolling at [nyc.gov/ethics](https://nyc.gov/ethics)

# Post Employment

## Charter Section 2604(d)(2)

- You cannot “appear” before your former community board on behalf of a private firm for one year after leaving the agency.
- Appearance- any communication, in person, by phone, or by mail, for which you are paid.



# How to Get Your Ethics Questions Answered:

All calls and correspondence  
to the Board

regarding proposed future activities are  
strictly confidential.

# How to Get Your Ethics Questions Answered:

- Call The Conflicts of Interest Board  
(212) 442-1400
- Write to the Board  
2 Lafayette Street, Rm. 1010  
New York, NY 10007
- Log on - <http://nyc.gov/ethics>