

## SOLICITING POLITICAL ACTIVITIES

- **Relevant Charter Sections:** City Charter § 2604(b)(9)

The Board fined a City Council Member \$2,000 for using City resources and personnel in connection with his 2003 City Council reelection campaign. The Council Member acknowledged that on at least one occasion, he asked a member of his District Office staff to volunteer for his 2003 City Council reelection campaign. The Council Member further acknowledged that City supplies and equipment, including a District Office computer, printer and paper, were used in his District Office for work on his 2003 City Council re-election campaign, and that he should have been aware of this use of City resources for the non-City purpose of his reelection campaign. The Council Member acknowledged that his conduct violated the conflicts of interest law, which prohibits public servants from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and from requesting any subordinate to participate in a political campaign. The Board took the occasion of this Disposition to remind public servants that they are prohibited from using City resources, of any kind and of any amount, on campaigns for public office, and that coercing participation of any public servant in a campaign, or even just requesting the assistance of a subordinate, for any amount of time and in any fashion, on campaign-related matters violates the City's conflicts of interest law. *COIB v. Gennaro*, COIB Case No. 2003-785 (2007).

The Board and the New York City Department of Education ("DOE") fined a DOE Principal \$5000, with \$2500 payable to the Board and \$2500 payable to DOE, who sent a letter to the parents of the students at his school thanking a Council Member and a State Senator for their support of the school, and asking the parents to endorse and support these candidates in the future. The Principal acknowledged that he asked his DOE secretary to prepare this letter on DOE time, using DOE letterhead, and then directed that this letter be distributed to teachers to provide to students to bring home to their parents. The Principal admitted that this conduct violated the City's conflicts of interest law, which prohibits any public servant from asking a subordinate to participate in a political campaign, and prohibits the use of City resources, such as City personnel and letterhead, for any non-City purpose. *COIB v. Cooper*, COIB Case No. 2006-684 (2007).

The Board and the New York City Department of Education ("DOE") fined a DOE Parent Coordinator \$1,500, with \$750 payable to the Board and \$750 payable to DOE, for sending an e-mail from her DOE e-mail address to the parents of the students at her school, which e-mail was seeking volunteers to hand out flyers on behalf of the campaign of a State Senator. The Parent Coordinator acknowledged that this conduct violated the City's conflicts of interest law, which prohibits the use of City resources, such as a City e-mail address, for any non-City purpose. *COIB v. Reilly*, COIB Case No. 2006-684a (2007).

The Board fined a former Vice President of Information Technology for the New York City School Construction Authority ("SCA") \$1500 who used City resources and personnel in connection with his political campaign. The former Vice President acknowledged that in 2005 he ran for election to a position as a member to the Town Board of Smithtown, New York, and that in connection with his campaign he used an SCA photocopier and SCA printer to photocopy and print campaign materials and that he requested a subordinate to review and correct an electronic file containing his signature for use on a campaign mailing. Prior to his campaign, in

response to his request for advice, the former Vice President had been advised by the Board that such conduct was prohibited by the City Charter. The former Vice President acknowledged that his conduct violated the conflicts of interest law, which provides that public servants are prohibited from using City letterhead, personnel, equipment, resources, or supplies for non-City purposes, and are prohibited from requesting any subordinate to participate in a political campaign. The Board took the opportunity to remind public servants that they are absolutely prohibited from the use of City resources, of any kind and of any amount, on campaigns for public office, and that the assistance of a subordinate, for any amount of time and in any fashion, on campaign related matters violate the City Charter. *COIB v. Cantwell*, COIB Case No. 2005-690 (2007).

## **SOLICITING POLITICAL CONTRIBUTIONS**

- **Relevant Charter Sections:** City Charter § 2604(b)(11)

In a three-way disposition among a school principal, the Conflicts of Interest Board, and the Board of Education, the Conflicts of Interest Board fined a former principal \$2,500 for selling tickets to a political fundraiser to a subordinate teacher during school hours and on school grounds, in violation of Charter § 2604(b)(11)(c), which prohibits a superior from even requesting subordinates to make campaign contributions. *COIB v. Rene*, COIB Case No. 1997-237 (2000).

## HIGH-LEVEL CITY OFFICIALS

- **Relevant Charter Sections:** City Charter § 2604(b)(12)

The Board fined a former Deputy Chief of Staff to the City Council Speaker \$2,500 for soliciting contributions to the Speaker's re-election campaign. The Deputy Chief of Staff to the Council Speaker is an individual with "substantial policy discretion" within the meaning of Chapter 68 of the City Charter, the City's conflicts of interest law. Deputy Mayors, agency heads, and other public servants with "substantial policy discretion" are prohibited by the City's conflicts of interest law from asking anyone to make a political contribution for any candidate for City elective office (such as City Council) or for any elected official of the City (such as a City Council Member) who is a candidate for any elective office. (This prohibition does not apply to solicitations made by elected officials themselves.) In or around April 2007, the former Deputy Chief of Staff made between six and twelve calls to union representatives to ask that they serve on the Host Committee for an event planned for labor unions as part of the Council Speaker's re-election campaign. Serving on the Host Committee would have required a contribution to the re-election campaign of the Council Speaker. The former Deputy Chief of Staff acknowledged that she violated the City's conflicts of interest law, which prohibits an individual with substantial policy discretion, such as she was at the time, from making such solicitations on behalf of a City elected official or on behalf of a candidate for City elective office. *COIB v. Keaney*, COIB Case No. 2009-600 (2010).

The Board fined the Cultural Affairs Commissioner \$500 for holding a political fundraiser in his home for Fran Reiter, then a candidate for Mayor, and inviting guests who had business dealings with his agency or the City. The fine took into account that Chapin believed he had sought legal advice and had been advised incorrectly that the fundraiser was legal. Agency heads are not permitted to request any person to make political contributions to any candidate for elective office of the City. *COIB v. Chapin*, COIB Case No. 1999-500 (2000).