

New York City Conflicts of Interest Board

Notice of Adoption of Final Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY CONFLICTS OF INTEREST BOARD by Sections 1043, 2603(a), 2603(c)(4), and 2601(11) of the City Charter, that the Conflicts of Interest Board has adopted Board Rules amending its rule concerning the definition of “other similar entity” in City Charter § 2601(11).

The proposed Rules were published in the City Record on January 5, 2021, and a public hearing was held on February 4, 2021. No comments were received. The Conflicts of Interest Board now adopts the following Rules.

STATEMENT OF BASIS AND PURPOSE

The Board amends Board Rules § 1-08 to include all public universities of the United States and its states and territories, not only the State University of New York (“SUNY”) and the City University of New York (“CUNY”).

Board Rules § 1-08, effective on January 20, 2019, lists a subset of entities that are not “firms” and at which public servants may take positions without requiring a waiver of Charter § 2604(a)(1), which generally prohibits a public servant from having an ownership interest or position in a firm that is engaged in business dealings with the City. Since promulgating this rule, the Board has received a number of inquiries as to whether public servants would require a waiver to hold positions as adjunct professors at nearby public universities such as Rutgers, the State University of New Jersey. The Board, therefore, expands the list of entities in Board Rules § 1-08 beyond CUNY and SUNY to include domestic public university systems, thus treating these public universities in the same way as all other domestic government institutions pursuant to Board Rules § 1-08(a)(1). This amendment permits a public servant to teach a class as an adjunct professor, or take any kind of second job, at those public universities without requiring a waiver of Charter § 2604(a)(1). The inclusion of domestic public universities is consistent with the Board’s historic handling of SUNY and CUNY as entities that are not “firms” as defined in City Charter § 2601(11).

New material is underlined.

[Deleted material is in brackets.]

§ 1. Section 1-08 of Chapter 1 of Title 53 of the Rules of the City of New York is amended as follows:

§ 1-08 Definition of “other similar entity” within the definition of “Firm”.

(a) For the purposes of Charter § 2601(11), the term “other similar entity” includes, but is not limited to, any of the following entities:

(1) Local, state, and federal governments and their agencies;

(2) New York State public authorities;

(3) New York local public authorities;

(4) the United Nations;

(5) the United States Postal Service;

(6) the State University of New York [; (7)], the City University of New York, and the public university systems of the United States or any United States state, municipality, or territory;

[(8)] (7) the Brooklyn Public Library;

[(9)] (8) the Queens Public Library; and

[(10)] (9) charter schools created pursuant to New York State Education Law Article 56.

(b) For the purposes of Charter § 2601(11), the term “local development corporation” includes only local development corporations affiliated with, sponsored by, or created by New York State government or by a New York county, city, town, or village.

Date