

**IN THE MATTER OF MAURA KEANEY
COIB CASE NO. 2009-600
JANUARY 22, 2010**

SUMMARY: 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).

STIPULATION AND DISPOSITION:

WHEREAS, the New York City Conflicts of Interest Board (the "Board") and Respondent Maura Keaney wish to resolve this matter on the following terms,

Respondent Maura Keaney states the following:

1. From February 26, 2006, to February 20, 2009, I was employed by the New York City Council as the Deputy Chief of Staff to City Council Speaker Christine Quinn.
2. During that time, I was a "public servant" within the meaning of Chapter 68 of the City Charter ("Chapter 68").
3. Also, as the Deputy Chief of Staff to Council Speaker Quinn, I was a public servant "deemed to have substantial policy discretion" within the meaning of Chapter 68, as defined in Board Rules § 1-02.
4. In or around April 2007, during a discussion of fundraising ideas for the reelection campaign of Council Speaker Quinn, I volunteered to assist with a fundraising event planned for labor unions to be held on May 14, 2007. Shortly thereafter, I made between approximately six and twelve calls to union representatives to ask that they serve

on the Host Committee for the event, which role would have required a contribution to the reelection campaign of Council Speaker Quinn. I also contacted Unite Here to ask them to donate their space for the event.

5. I represent to the Board that I made none of these campaign fundraising-related calls on City time or using a City telephone. I further represent to the Board that, after being informed by the Chief of Staff to the Council Speaker that these calls were inappropriate, I stopped immediately and had no further involvement in campaign fundraising for Council Speaker Quinn while I served as her Deputy Chief of Staff.

6. Although I was not aware of it at the time, and I had no intention to violate Chapter 68, I now acknowledge that, by requesting that the union representatives make a contribution to the reelection campaign of Council Speaker Quinn, I violated Chapter 68, specifically City Charter § 2604(b)(12). City Charter § 2604(b)(12) states:

No public servant, other than an elected official, who is a deputy mayor, or head of an agency or who is charged with substantial policy discretion as defined by rule of the board, shall directly or indirectly request any person to make or pay any political assessment, subscription or contribution for any candidate for an elective office of the city or for any elected official who is a candidate for any elective office; provided that nothing contained in this paragraph shall be construed to prohibit such public servant from speaking on behalf of any such candidate or elected official at an occasion where a request for a political assessment, subscription or contribution made by others.

7. On June 27, 2007, the City Council enacted a reform of the City's campaign finance law which included an exemption for political action committees, including those representing labor unions, from the limitation on contributions to candidates for City elected office imposed on companies and individuals with business dealings with the City.

8. As Deputy Chief of Staff for the Council Speaker, I served as the supervisor of the Legislative Division at the City Council and, in that role, was very involved in the campaign finance reform legislation. I represent to the Board that there was never included in any draft of this legislation any restriction of labor unions' contributions to City campaigns. To my knowledge, there was no connection between any request for or receipt of contributions to the reelection campaign of Council Speaker Quinn and the union/political action committee carve-out in the legislation. I further represent to the Board that I did not discuss with any potential contributor, union representative, or anyone associated with any political action committee that there would be any legislative benefit to those individuals or entities in exchange for a contribution to the reelection campaign of Council Speaker Quinn.

9. In recognition of the foregoing, I agree to pay a fine of Two Thousand Five Hundred Dollars (\$2,500.00) to the Board upon signature of this Disposition, by money order or by cashier, bank, or certified check, made payable to the “New York City Conflicts of Interest Board.”

10. I agree that this Disposition is a public and final resolution of the Board charges against me based on the facts stated above. I acknowledge and agree that, if I have made any material misrepresentations or omissions to the Board, I am subject to further prosecution by the Board in this matter.

11. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

12. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having been represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.

13. Any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

14. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively states that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

15. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: January 8, 2010

_____/s/
Maura Keaney
Respondent

Dated: January 8, 2010

_____/s/
Arnold N. Kriss
Counsel for Respondent

Dated: January 22, 2010

_____/s/
Steven B. Rosenfeld
Chair
NYC Conflicts of Interest Board