



## CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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### **IN THE MATTER OF ABES DURMO COIB CASE NO. 2009-016 AUGUST 27, 2009**

**SUMMARY:** The Board issued a public warning letter to a seasonal New York City Department of Education (“DOE”) Parent Coordinator for using his DOE e-mail to send a PowerPoint Presentation endorsing a political candidate to over 600 DOE employees. While not pursuing further enforcement action, the Board took the opportunity of this public warning letter to remind public servants that Chapter 68 of the City Charter prohibits public servants from using City resources (such as a City e-mail address or computer), in any amount, for political activities. *COIB v. Durmo*, COIB Case No. 2009-016 (2009).

Re: COIB Case No. 2009-016

Dear Mr. Durmo:

It has come to the attention of the Conflicts of Interest Board that, while you were employed by the Department of Education (“DOE”) as a Parent Coordinator, you used your DOE e-mail account to send a PowerPoint presentation endorsing a candidate for President of the United States to over 600 DOE employees, including several at your school.

Chapter 68 of the New York City Charter (“Chapter 68”), specifically City Charter § 2604(b)(2) and Board Rules § 1-13(b), prohibits public servants from using City resources for non-City purposes. City Charter § 2604(b)(2) states that “[n]o public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.” Board Rules § 1-13(b) states that “it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.” Because political campaign endorsements are clearly a “non-City purpose,” by using your City e-mail to urge voters to vote for a particular candidate, you violated City Charter § 2604(b)(2) and Board Rules 1-13(b).

*Visit our home page at <http://nyc.gov/ethics>*

You are also advised that your one-time use of City e-mail violated the Board-approved City Policy on Limited Personal Use of City Office and Technology Resources (the “Acceptable Use Policy”), which permits limited personal use of City resources. The Acceptable Use Policy does not extend to the use of City resources, of any kind or of any amount, for political activities.

While the Conflicts of Interest Board has concluded that no further enforcement action is required in this matter under the particular circumstances presented here, it is issuing this public warning letter to provide guidance to other public servants in similar situations. This letter should be regarded as a formal reminder of the importance of strict compliance with the City’s conflicts of interest law, contained in Chapter 68 of the Charter and the Board Rules. Precise compliance with these provisions avoids even the appearance of impropriety and helps to strengthen public confidence in City officials.

In the future, if you have any questions concerning the conflicts of interest law, please contact the Board Staff at (212) 442-1400. With the issuance of this letter, the Board is closing this case.

Very truly yours,

/s/

Steven B. Rosenfeld  
Chair

I hereby waive any right I may have to confidentiality and agree that the Board may make this document public. I represent that I have entered into this agreement freely, knowingly, and intentionally without coercion or duress and that I have had a full opportunity to consult with counsel of my choice.

\_\_\_\_\_/s/  
ABES DURMO