

**IN THE MATTER OF LYSTRA HARRY**  
**COIB CASE NO. 2019-886**  
**MARCH 16, 2021**

**SUMMARY:** A Health Services Manager in the School Health Vision Unit at the New York City Department of Health and Mental Hygiene (“DOHMH”) served on the panel that interviewed her sister’s husband, who had applied for a position in her unit. Her sister’s husband was hired by DOHMH, and the Health Services Manager indirectly supervised him for two years; she had the authority to affect his work duties, assign his work location, and approve his timesheets. By both participating in the hiring of and supervising her brother-in-law, the Health Services Manager took official actions that benefitted her sister’s husband and, thus, benefitted her sister. In a joint disposition with the Board and DOHMH, the Health Services Manager agreed to retire and to pay a \$750 fine to the Board.

**STIPULATION AND DISPOSITION:**

**WHEREAS,** the New York City Department of Health and Mental Hygiene (“DOHMH”) served disciplinary charges against Lystra Harry (“Respondent”) alleging violations of the DOHMH Standards of Conduct and the City’s conflicts of interest law, found in Chapter 68 of the New York City Charter (“Chapter 68”);

**WHEREAS,** given that disciplinary charges alleging violations of Chapter 68 were pending at DOHMH, the New York City Conflicts of Interest Board (the “Board”) referred the alleged violations to DOHMH pursuant to Section 2603(e)(2)(d) of Chapter 68; and

**WHEREAS,** the Board, DOHMH, and Respondent wish to resolve this matter on the following terms,

**IT IS HEREBY AGREED** by and between the parties as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:
  - a. From October 5, 2009, through December 21, 2020, I was employed by DOHMH as a Health Services Manager with the Bureau of School Health in the School Health Vision Unit. Thus, at all times relevant to this matter, I was a “public servant” within the meaning of and subject to Chapter 68.
  - b. On January 29, 2018, I served as a panelist in my sister’s husband’s job interview for a position as a Vision Screening Assistant in the School Health Vision Unit.
  - c. From March 19, 2018, until March 2020, I indirectly supervised my brother-in-law, that is, I supervised his supervisor’s supervisor. In that capacity, I had the authority to influence his work duties, his work location, and approve his timesheets.

- d. I acknowledge that, by serving as a panelist in my brother-in-law's job interview for a position in my unit and by indirectly supervising my brother-in-law after he was hired, I used my City position to benefit a person "associated" with me, as defined in City Charter § 2601(5), in violation of City Charter § 2604(b)(3), which states:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

2. DOHMH has determined that the appropriate penalty for Respondent's Chapter 68 violations and unrelated disciplinary charges is retirement. The Board, considering prior cases involving City employees who participated in hiring their relatives for employment with the City and who supervised their relatives, and taking into account the agency-imposed penalty of retirement, has decided to impose an additional penalty of Seven Hundred and Fifty Dollars (\$750).

3. In recognition of the foregoing, Respondent agrees to the following:
  - a. I agree to pay a fine of Seven Hundred and Fifty Dollars (\$750) to the Board, by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," at the time of my signing this Disposition.
  - b. I agree that this Disposition is a public and final resolution of DOHMH's disciplinary charges and the Board's action against me.
  - c. 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.
  - d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after being represented by the union representative 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 or DOHMH; and that I fully understand all the terms of this Disposition.

- e. I agree that 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.

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

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

Dated: February 25, 2021

\_\_\_\_\_/s/  
Lystra Harry  
Respondent

Dated: February 4, 2021

\_\_\_\_\_/s/  
Thomas Smith  
Organization of Staff Analysts  
Union Representative for Respondent

Dated: March 5, 2021

\_\_\_\_\_/s/  
Rose Tessler  
Director of Employment Law Unit  
NYC Department of Health and Mental Hygiene

Dated: March 16, 2021

\_\_\_\_\_/s/  
Jeffrey D. Friedlander  
Chair  
NYC Conflicts of Interest Board