



Reinvent Albany Calls for Greater Transparency of Ethics Enforcement Actions at Conflicts of Interest Board's Hearing

COIB Promulgating Rules on Enforcement of City Ethics Laws

At a Conflicts of Interest Board (COIB) hearing today on draft rules, [Reinvent Albany testified](#) in favor of the Board providing greater transparency on its ethics enforcement actions in its annual report. Reinvent Albany recommended COIB track and make public data on different actions that are part of the enforcement process, including the number of complaints received, active cases, determinations of probable cause that an ethics violation occurred, referrals to city agencies, how long enforcement actions take, the types of penalties assessed for violations of the ethics, among other ethics enforcement data. This data should be disaggregated by ethics subjects, laws allegedly violated, and the agencies where public servants work.

While the COIB provides some information on enforcement actions in its [annual report](#) and [in the City's Open Data portal](#), the public should receive a more complete picture of enforcement actions by COIB. Reinvent Albany believes additional data will allow the public, watchdog groups and journalists to better monitor enforcement of ethics laws, and create more public confidence in the enforcement process. COIB can also use the data to target ethics trainings on particular subjects and to focus on agencies whose public servants are more frequently in violation.

Reinvent Albany also called for [COIB's public index of all public servants who have ever violated ethics laws](#) to be made more revealing. [More detailed information is provided for cases on the New York Law School's website](#), but the index should provide full names of ethics violators and a more complete summary statement of laws and ethics violated to make it more useful.

Reinvent Albany also recommended the Office of Administrative Trials and Hearings (OATH) reports on ethical violations be made public, that COIB clarify in its rules the criteria for issuing public and private warning letters, and the procedures for assessing penalties against the Mayor for ethics violations given the law requires he be consulted.

In April, it was reported that a DOI report found Mayor de Blasio had violated COIB guidelines for soliciting donations from individuals doing business with the executive branch. The report was not made public even though [the New York State Joint Commission on Public Ethics \(JCOPE\) makes full investigation reports public](#). The report was obtained by the online publication *The City*. COIB could not legally impose penalties on the Mayor for violating ethics laws because the Board failed to promulgate the ethics policy he had violated as a COIB rule. COIB may have issued a private warning letter to the Mayor.

Reinvent Albany recommended to COIB that the Mayor and City Council change ethics laws so the Mayor does not have to be consulted on penalties for violations of ethics laws if the Mayor is the public servant in violation. We also recommend ethics law be changed so COIB can impose penalties on the City Council rather than recommending penalties for the Council to impose on its own members or staff.

COIB is promulgating rules on enforcement procedures because the City Council passed [Local Law 177 of 2018](#), which requires COIB to issue rules for Advisory Opinions every year by May 1st for Advisory Opinions issued in the prior year that establish an ethical standard or will likely be requested by other public servants in the future. The Board is required by May of 2020 to promulgate rules for any Advisory Opinions it has issued since 1990, which will make ethical standards binding on public servants and greatly strengthen the city's ethics laws.