



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York 10007
(212) 442-1400; (212) 437-0705 (Fax)

www.nyc.gov/ethics
[@NYCCOIB](https://www.instagram.com/nyccoib)
www.instagram.com/nyccoib

November 4, 2021

via email

Elena Sassower
Center for Judicial Accountability
elena@judgewatch.org

Dear Ms. Sassower:

I am writing in response to your October 21, 2021, email, in which you appeal a determination by Christopher M. Hammer, Records Access Officer for the New York City Conflicts of Interest Board (the “Board”), with respect to your request of “any COIB written protocol for intake and processing complaints.”

By letter dated October 7, 2021, Mr. Hammer provided the following documents responsive to your request: flowcharts of the enforcement process, a chapter explaining the enforcement process from the Board’s 2018 Monograph, and a plain language guide summarizing the enforcement process.

In support of your appeal, you attach a document that you state was provided to you by the New York City Department of Investigation (“DOI”) in response to your FOIL request and state: “Plainly, if DOI did not deem its Investigative Manual §200 exempt from disclosure, COIB’s comparable ‘Complaint Intake: Opening and Tracking Procedures’ should not be deemed exempt.”

The Board has no other public documents responsive to your request. To the extent that any other documents exist within the files of the Conflicts of Interest Board, they would be exempt from disclosure pursuant to Public Officers Law § 87(2)(g) on the grounds that such material is inter-agency or intra-agency material or Public Officers Law § 87(2)(a), on the grounds that such material is specifically exempted from disclosure by statute, namely, New York City Charter § 2603(k).

The sole basis for your appeal is that DOI provided you with a document in its possession in response to your FOIL request. An interpretation of FOIL by DOI is not binding on the Board. Moreover, the Board is uniquely bound by New York City Charter § 2603(k), which states: “Except as otherwise provided in this chapter, the records, reports, memoranda, and files of the board shall be confidential and shall not be subject to public scrutiny.” Accordingly, I conclude that your request was properly decided and that Mr. Hammer’s determination is affirmed.

You may appeal this determination pursuant to Article 78 of the New York Civil Practice Law and Rules.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Carolyn Lisa Miller". The signature is fluid and cursive, with the first name "Carolyn" being the most prominent.

Carolyn Lisa Miller
Records Access Appeal Officer