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MEMORANDUM

10054. CNS


To: [Redacted]
From: Steven I. Berlin
Steven I. Berlin, Executive Director
Courtney L. Kimble
Courtney L. D. Kimble, Attorney/Investigator
Re: DOB Employee Property Notification
Date: October 7, 2010

On September 24, 2010, you contacted our office and asked us to review IG Case #08 1455, and also asked for guidance as to what the Department of Buildings (DOB), can do to strengthen its disclosure processes so as to avoid potential conflicts of interest that arise when departmental employees, particularly Building Inspectors, own property other than their primary residence.

To assist us, you sent a copy of DOB's "Employee Property Notification." We have reviewed this Notification, and believe that this disclosure, if administered according to our suggestions, should resolve these potential issues. We recommend that:

- DOB promptly reissue the Notification form and accompanying cover memo to all DOB employees, so that they are made aware of their obligation to disclose ownership of property located in the City;
- All Deputies should remind their reports of this requirement, at any regularly or specially scheduled staff meeting;
- The form be reworded (see our red-lined copy) to emphasize that all DOB personnel must update and amend their disclosures whenever they purchase or sell a new property located in the City, as required in the form itself, which states "at least one week prior to closing on the purchase or sale";
- DOB send out semi-annual reminders to all its employees about their requirement to file this disclosure and keep it current;
- The cover memo states that "The employee shall disclose fully in writing if the employee has ever had any involvement with the property in any capacity related to the employee's job responsibilities within the Department or any other City department, including but not limited to, any aspect of issuing a permit on the property, or any aspect of inspecting the property for the Department." We suggest amending the




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form itself to include a space on the form for the employee to provide that information;

- DOB create and maintain a database of the employees' disclosed addresses, that also cross-references all inspection/permitting/other City activity on the property, so that it and its managers can monitor which DOB personnel are assigned to that property, and help ensure that no one is assigned to his or her own property; and
- All employees sign an acknowledgment (we have attached an example) that they were informed/notified of the policy, and that even if they have no substantive answers, they must still complete and turn in the form to indicate that.

We hope this is helpful. If you have any other questions, please do not hesitate to contact us. Thank you.