



## CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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January 26, 2022

Brendan McGuire  
Chief Counsel to the Mayor and City Hall  
City Hall  
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2022-020 (Mayor Eric Adams)

Dear Mr. McGuire:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated January 25, 2022, and additional communications with Board staff, requesting a waiver pursuant to the conflicts of interest provisions of Chapter 68 of the New York City Charter to permit Mayor Eric Adams to appoint his brother, Bernard Adams, to serve as his uncompensated Senior Advisor for Mayoral Security.

### Relevant Facts

You advise that Mayor Adams seeks to appoint his brother, Bernard Adams, to serve in the Mayor's Office as his uncompensated Senior Advisor for Mayoral Security. In this role, Bernard Adams would be responsible for advising the Mayor and his staff on security issues, including the security of the Mayor and his family, and would advise on methods of outreach to communities affected by the Mayor's actions and movement in order to ensure security. Bernard Adams would have no subordinates and no command authority over any member of the New York City Police Department ("NYPD"). Bernard Adams would receive the nominal amount of \$1 per year to enable him to become a City employee. Bernard Adams would be required to file an annual disclosure report with the Board and would be subject to the same integrity safeguards as other public servants.

You advise that the Mayor has determined that Bernard Adams is uniquely qualified for this position both because of his intimate familiarity with the Mayor and because of his more than thirty-year career in law enforcement, security operations, and community relations, including twenty years of distinguished service to NYPD. The Mayor has concluded that he will be most secure by complementing the expertise of his NYPD security team with someone inside the Mayor's Office with extensive NYPD training and experience, a demonstrated track record of community engagement, and a well-developed and detailed understanding of the Mayor himself, including his behaviors and

his mindset when in more public, higher-risk locations.

You further advise that, in order to mitigate conflicts of interest concerns, the Mayor would be recused from any decisions about the terms of Bernard Adams's employment, with any such discussion or decisions being the exclusive responsibility of the First Deputy Mayor.

### Relevant Law

Charter Section 2604(b)(3) prohibits a public servant from using or attempting to use his or her City position to obtain any private advantage, direct or indirect, for the public servant or for any person or firm associated with the public servant. Charter Section 2601(5) defines those "associated" with a public servant to include a "spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest."

In Advisory Opinion No. 1990-6, a City elected official asked the Board whether Chapter 68 would prohibit them from referring the resumes of family members to City agencies for City employment. The Board advised that "it is a conflict of interest for an elected official to refer the resume of a family member for City employment, because Charter Section 2604(b)(3) prohibits public servants from using or attempting to use their official position to obtain any advantage for any person with whom they are 'associated,' a term which includes family members."

In Advisory Opinion No. 1993-21, the Board determined that it would violate Charter Section 2604(b)(3) for a City Council Member to nominate an associated family member for appointment as a community board member, even though the position was uncompensated, because the Board concluded, "there is a certain degree of power and prestige in holding such a position."

Chapter 68 permits the Board to waive conduct that would otherwise violate Charter Section 2604(b)(3) under certain circumstances. Charter Section 2604(e) states: "A public servant or former public servant may hold or negotiate for a position otherwise prohibited by this section, where the holding of the position would not be in conflict with the purposes and interests of the city, if, after written approval by the head of the agency or agencies involved, the board determines that the position involves no such conflict. Such findings shall be in writing and made public by the board."

In 2002, the Board granted a waiver to Mayor Michael Bloomberg to appoint his sister Marjorie Tiven to serve in the uncompensated position of Commissioner for the United Nations (COIB Case No. 2002-015). In evaluating the request, the Board noted that the position carried "with it 'power and prestige' within the language of Advisory Opinion No. 92-21," and that, absent a waiver from the Board, the appointment would be prohibited by Charter Section 2604(b)(3). Based on Mayor Bloomberg's representation that the "position is in some respects that of 'hostess' for the Mayor" the Board found, in

the absence of a First Lady, it is “similarly appropriate that you name a close relative to this position.” See also COIB Case No. 2002-014 (waiving Charter Section 2604(b)(3) to permit Mayor Bloomberg’s daughter to serve as an unpaid administrative assistant in the Mayor’s Office).

In 2014, the Board granted a waiver to Mayor Bill de Blasio to permit him to appoint his wife, First Lady Chirlane McCray, to be the uncompensated Chair of the Board of Directors of the Mayor’s Fund to Advance New York City (COIB Case No. 2014-054). The Board found that appointment to the position of Chair of the Mayor’s Fund was a private benefit because “[t]he position of Chair of the Fund plainly carries with it ‘power and prestige’ within the language of Advisory Opinion No. 93-21.” Nevertheless, the Board concluded that both the position of First Lady and the position of Chair of the Mayor’s Fund are “in substantial sense a surrogate for the Mayor, so that appointing Ms. McCray as Chair of the Fund is consistent with her position as First Lady.”

### Advice

The uncompensated position of Senior Advisor for Mayoral Security is one of “power and prestige” as described in Advisory Opinion No. 1993-21, and would thus provide a private advantage to Bernard Adams. As the Mayor is “associated” with his brother Bernard Adams, as defined in Charter Section 2601(5), Charter Section 2604(b)(3) would prohibit Mayor Adams from appointing Bernard Adams as Senior Advisor for Mayoral Security, absent a waiver from the Board.

A number of factors weigh in favor of granting the requested waiver:

First, the Mayor has determined that Bernard Adams’s service as Senior Advisor for Mayoral Security will enhance the security of the Mayor and his family. Second, the position will be effectively uncompensated, as Bernard Adams will receive only one dollar per year in compensation, and this compensation is for the sole purpose of making Bernard Adams a City employee. Third, Bernard Adams will be subject to the same integrity safeguards as other public servants, including, among other things, the requirements and obligations of the City’s conflicts of interest law and annual disclosure law. Fourth, the proposed role is advisory and does not involve the supervision of public servants or any command authority over NYPD personnel. Fifth, Mayor Adams has committed to recuse himself from decisions regarding the terms of Bernard Adams’s employment with the City.

Accordingly, the Board has determined, based on your above representations, that it would not conflict with the purposes and interests of the City for Mayor Adams to appoint Bernard Adams to the position of Senior Advisor for Mayoral Security, and thus grants the requested waiver of Charter Section 2604(b)(3).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or

incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey D. Friedlander". The signature is written in a cursive style with a long, sweeping tail.

Jeffrey D. Friedlander  
Chair

Nisha Agarwal  
Fernando A. Bohorquez, Jr.  
Wayne G. Hawley