

COMMITTEE ON RULES, PRIVILEGES, ELECTIONS,

STANDARDS AND ETHICS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES,
ELECTIONS, STANDARDS AND ETHICS

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February 25, 2026
Start: 10:09 a.m.
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HELD AT: COMMITTEE ROOM -- CITY HALL

B E F O R E: Sandra Ung, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Chris Banks
David M. Carr
Elsie Encarnación
Shekar Krishnan
Linda Lee
Kevin C. Riley
Nantasha M. Williams

COMMITTEE ON RULES, PRIVILEGES, ELECTIONS,
STANDARDS AND ETHICS

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A P P E A R A N C E S

Stephen Loffredo, nominee to New York City
Conflicts of Interest Board

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2 SERGEANT-AT-ARMS: This is a microphone
3 check on the Committee of Rules, Privileges,
4 Elections, Standards and Ethics, recorded by James
5 Marino, in the Committee Room on February 25, 2026.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to today's New York City Council hearing on
8 the Committee of Rules, Privileges, Elections,
9 Standards and Ethics.

10 At this time during today's hearing, no
11 one may approach the dais.

12 If you'd like to testify, please see one
13 of the Sergeant-at-Arms to fill out a testimony slip.

14 Please silence any electronic devices.

15 Chair, you may begin.

16 CHAIRPERSON UNG: [GAVEL] Good morning,
17 and welcome to this meeting of the Committee on
18 Rules, Privileges, Elections, Standards and Ethics.
19 I'm Council Member Sandra Ung, Chair of the
20 Committee.

21 Before we begin, I would like to
22 recognize the other Members of the Committee who are
23 present. Council Member Elsie Encarnación, Minority
24 Leader David Carr, and Majority Leader Shaun Abreu.
25 I'd also like to acknowledge the Counsel to the

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2 Committee, Jeff Campagna, and the Committee Staff
3 that worked on the appointments we will hear today,
4 Chief Ethics Counsel, Pearl Moore; Director of Public
5 Integrity, Francesca DellaVecchia; and the Deputy
6 Director of Public Integrity, Alycia Vasell.

7 By the letter dated January 30, 2026,
8 Mayor Zohran Mamdani requested the advice and consent
9 of the Council regarding the appointment of Stephen
10 Loffredo to the New York City Conflicts of Interest
11 Board. Today, we are meeting to hold a public hearing
12 on this nomination.

13 The Conflicts of Interest Board is the
14 entity that serves to provide clear guidance to
15 public employees regarding the Conflicts of Interest
16 laws codified in Chapter 68 of the New York City
17 Charter. The Board is tasked with achieving this goal
18 through training, education, and the issuance and
19 publication of advisory opinions relating to the
20 conduct that may violate the City Conflict of
21 Interest law. The Board also adopts rules to
22 implement and interpret the provisions of the
23 Conflicts of Interest laws. It reviews and
24 adjudicates alleged conflict violations and has the
25 power to impose penalties, including fines up to

1 25,000 dollars per violation, and suspension or
2 dismissal of the City employees when deemed
3 appropriate. The Board also collects and reviews
4 financial disclosure reports. The Board consists of
5 five members, three of whom are appointed by the
6 Mayor, one appointed by the Public Advocate, and one
7 appointed by the Comptroller, all subject to the
8 advice and consent of the City Council. The Mayor
9 must designate one of these members as Chair of the
10 Board. The Charter states that all members should be
11 chosen for their independence, integrity, civic
12 commitment, and high ethical standards. Board members
13 serve for staggered six-year terms and are prohibited
14 from serving more than two consecutive six-year
15 terms. Board members are required to meet at least
16 once a month and are prohibited from holding public
17 office, seeking election to any other public office,
18 being a public employee at any jurisdiction, holding
19 a political party office, or appearing as a lobbyist
20 before the City. Board members are entitled to
21 receive compensation in the amount of 250 dollars for
22 each calendar day they perform work for the Board.
23 The Chair is entitled to receive 275 dollars per day
24 of service.
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2 Today, we are joined by Stephen Loffredo,
3 who has been nominated by the Mayor for appointment
4 to the Conflicts of Interest Board. Mr. Loffredo
5 served as a staff attorney at the Legal Aid Society
6 from 1982 to 1986. From 1986 to 2024, he was a law
7 professor. From 2023 to 2024, he was a professor at
8 the City University of New York Law School. He
9 received his BA from Yale University as a graduate of
10 Harvard Law School. If the Council grants its advice
11 and consent, Mr. Loffredo will be appointed to serve
12 a six-year term beginning on April 1, 2026, and
13 expiring on March 31, 2032.

14 Welcome, Mr. Loffredo, and thank you for
15 being here today. Please raise your right hand to be
16 sworn in.

17 COMMITTEE COUNSEL CAMPAGNA: Do you affirm
18 to tell the truth, the whole truth, and nothing but
19 the truth in your testimony before this Committee and
20 in answer to all Council Member questions?

21 STEPHEN LOFFREDO: I do.

22 May I proceed?

23 Good morning, Chair Ung and Members of
24 the Committee. My name is Stephen Loffredo. Thank you
25 for the opportunity to address you concerning my

1 nomination by Mayor Mamdani to the Conflicts of
2 Interest Board.

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4 The Board's mission as an independent
5 entity promoting ethical and accountable government
6 is a profoundly important one. It's essential to
7 fostering public trust and confidence in City
8 government and in the rule of law. My decades of work
9 as a public interest attorney and as a law professor
10 training generations of public interest lawyers
11 reflects my long-standing affinity with and
12 commitment to these values. I would be honored to
13 serve on the Board and work to advance its mission.

14 I have deep roots and love for this city.
15 I was born in the Bronx, the place my grandparents
16 immigrated to from southern Italy. My wife, Helen
17 Hershkoff, who joins me today, was born in Brooklyn
18 to a father who immigrated from Poland and a mother
19 whose family arrived here from Ukraine. Our son, Ben,
20 was born in Manhattan, where he continues to reside.
21 I've devoted my entire professional career to public
22 service and public interest work in New York City.
23 Immediately following a judicial clerkship with the
24 New Jersey Supreme Court in 1982, I entered practice
25 as a staff attorney at the Civil Division of the

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2 Legal Aid Society in the South Bronx. While there, I
3 represented hundreds of individuals and families and
4 also litigated impact cases with my colleagues,
5 including the first generation of cases establishing
6 a right to shelter for homeless families. As pro bono
7 counsel to the Urban Justice Center, I continue to
8 represent large groups of vulnerable New Yorkers and
9 was recognized by the Association of the Bar of the
10 City of New York for "extraordinary dedication and
11 outstanding performance" in advancing the legal
12 rights of poor people in New York City. I served for
13 38 years on the faculty of CUNY Law School, an
14 institution dedicated to the public interest and
15 widely regarded as the leading public interest law
16 school in the nation.

17 In addition to teaching constitutional
18 law, I founded and directed four clinical programs
19 providing legal services to underrepresented
20 communities throughout New York City. That service
21 took the form of individual representation,
22 collaboration with community organizations, policy
23 advocacy, and impact cases. Some of this work was
24 done side by side with lawyers from the City and the
25 State. For example, through our Immigrants' Rights

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2 Clinic, I served as lead counsel with the City of New
3 York and the State of New York as co-plaintiffs in a
4 years-long litigation against the federal government
5 challenging illegal restrictions on the immigrant
6 amnesty program of the Immigration Reform and Control
7 Act of 1986. Later, I founded the Economic Justice
8 Project in response to certain harsh and unlawful
9 welfare policies that arose in the 1990s, policies
10 that drove thousands of low-income CUNY
11 undergraduates out of college and into dead-end
12 workfare assignments. Many of these students were
13 single parents striving to obtain the skills and
14 credentials needed for living wage jobs that could
15 lift their families out of poverty and alter the life
16 chances of their children. Together with community
17 partners, we fought that battle for over 15 years,
18 enabling countless students to earn their degrees and
19 securing policy reforms that allowed CUNY to fully
20 serve its historic role as an engine of economic
21 mobility for the people of New York. The National
22 Clinical Legal Education Association honored our work
23 with its Award for Excellence.

24 Lastly, I directed the labor docket of
25 CUNY's Community and Economic Development Clinic and

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2 its Workers' Rights Clinic, both of which engaged in
3 a broad array of labor and employment representation
4 on behalf of low-wage workers, most often immigrant
5 workers, whose circumstances made them especially
6 vulnerable to exploitation.

7 All of these endeavors have sought to
8 advance the well-being of New York and New Yorkers,
9 in most instances by holding government accountable
10 to the law. This has been my life's work, and in the
11 course of that work, I've instructed hundreds of
12 clinic students handling actual cases in the ethical
13 practice of law under the rules of professional
14 conduct, and I've developed deep expertise in
15 administrative law, adjudication, due process, and
16 judicial review of agency action, expertise directly
17 relevant to the functions of the Conflicts of
18 Interest Board.

19 Serving on the Board would give me the
20 opportunity to continue to work in the public
21 interest and to advance the Board's mission of
22 promoting fair, honest, and accountable government, a
23 mission I strongly believe to be of the utmost
24 importance.

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2 Thank you, and I'd be happy to answer
3 your questions.

4 CHAIRPERSON UNG: Thank you, Mr. Alfredo.

5 I'd also like to recognize Deputy Speaker
6 Williams for joining us today.

7 So, I do have some questions before going
8 to the other Members of the Committee. In your
9 written responses to the pre-hearing written
10 questions, you wrote that you were recommended for
11 this position on the Conflicts of Interest Board by
12 the Chief Counsel to the Mayor, Ramzi Kassem.

13 STEPHEN LOFFREDO: That's correct.

14 CHAIRPERSON UNG: What is your
15 relationship to Mr. Kassem?

16 STEPHEN LOFFREDO: Mr. Kassem and I were
17 colleagues on the faculty of the CUNY School of Law.

18 CHAIRPERSON UNG: Were you solicited
19 expressly for this position, or did you also pursue
20 other positions in Administration?

21 STEPHEN LOFFREDO: No. I was asked if I
22 would agree to be nominated to this position.

23 CHAIRPERSON UNG: Thank you.

24 Sorry. I'd also like to recognize Council
25 Member Krishnan for joining us today.

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2 And, because now we have quorum, I'd also
3 like to recognize Council Member Kevin Riley, who's
4 on remotely.

5 Sorry, back to the questions. Your resume
6 indicated that you are or were a founder and board of
7 the Member of the Party for Humanity. What is that,
8 and what is the nature of your involvement, and does
9 it still exist?

10 STEPHEN LOFFREDO: It does not still
11 exist. It was an organization that my young son
12 thought up to deal with the situation of young
13 children getting many gifts for birthdays, and there
14 being a better way to deal with that situation, which
15 was to organize donations to small charities in lieu
16 of gifts at children's birthday parties. The
17 organization no longer exists.

18 CHAIRPERSON UNG: That's nice.

19 Are you or anyone you're associated with
20 currently a member of any organization that does
21 business with the City?

22 STEPHEN LOFFREDO: Yes. I sit on the board
23 of the Urban Justice Center, which has a number of
24 contracts with the City and also occasionally sues
25 the City. And, my wife, Helen Hershkoff, also sits on

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2 that board. Helen is also a professor at NYU School
3 of Law, which I believe does some business with the
4 City.

5 CHAIRPERSON UNG: So, were you advised to
6 seek guidance from the Conflicts of Interest Board
7 before this hearing?

8 STEPHEN LOFFREDO: Yes. And we received
9 advice, both with respect to my position on the Urban
10 Justice Center and with respect to Professor
11 Hershkoff's position at UJC and her service on the
12 faculty of NYU Law School. And the advice from
13 General Counsel was that I would not be precluded
14 from continuing to sit on the Board because I'm not a
15 regular employee. However, I would have to recuse
16 myself and have agreed to recuse myself in any matter
17 that comes before the Board that involves UJC and
18 also to recuse myself from any discussions within the
19 UJC board that has anything to do with COIB.

20 CHAIRPERSON UNG: Thank you. You were
21 asked in your pre-hearing questionnaire whether you
22 have experience or expertise in municipal ethics law,
23 meaning Chapter 68 of the Charter. So, you're just
24 going to try to get a little bit more answer to that.

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2 Can you just give us a little bit more answer than
3 what was said in the questionnaire?

4 STEPHEN LOFFREDO: Yes. I have not had
5 direct experience before the last few weeks where
6 I've been poring over all of these statutory
7 provisions and regulations. I do have experience with
8 the State ethics law because as a member of the CUNY
9 faculty I was holding policy making positions and so
10 was subject to the disclosure requirements and also
11 because all of us were trained in the strictures of
12 the State ethics law as employees of CUNY.

13 Having said that, I've had over four
14 decades of experience as an attorney governed by,
15 well, when I was young it was called the Code of
16 Professional Responsibility, now it's called the
17 Rules of Professional Conduct, which as you know is a
18 comprehensive scheme of ethical requirements
19 governing lawyers in this state. The Code and the
20 rules don't perfectly match obviously with Chapter
21 68, but many of the basic principles are the same.
22 Confidentiality, conflicts, that sort of thing. They
23 share principles.

24 CHAIRPERSON UNG: Thank you. Just a
25 follow-up to this, so as experience as a law

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2 professor, do you have any experience as a law
3 professor relating to the missions or duties of the
4 Conflicts of Interest Board?

5 STEPHEN LOFFREDO: Repeat the question.

6 CHAIRPERSON UNG: I'm sorry. I know it's a
7 lot. How does your experience as a law professor
8 relate to your mission and duties of the Conflicts of
9 Interest Board?

10 STEPHEN LOFFREDO: Well, in two ways.
11 First, as I wrote in my response to the pre-hearing
12 questions, I'm an expert in administrative law,
13 administrative adjudication, due process, judicial
14 review of agency action. I've appeared at over 1,000
15 administrative hearings and been involved in many
16 lawsuits challenging agency action, both rulemaking
17 and decisions after hearings, and so I have deep
18 expertise in those areas which is directly relevant
19 to the workings of the Conflicts of Interest Boards.
20 They are an agency that does rulemaking, makes
21 decisions after hearings, subject to judicial review.
22 I also have over 30 years of experience teaching CUNY
23 students through its clinical program in which the
24 students handle actual cases under the supervision of
25 faculty, and so I've trained hundreds of law students

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2 in handling actual cases in the ethical practice of
3 law under the rules of professional conduct.

4 CHAIRPERSON UNG: Thank you.

5 I'd also like to recognize Council Member
6 Lee who is joining us here today.

7 Back to questions. You have spent your
8 entire career as a law professor and have dedicated a
9 substantial amount of your professional life to
10 defending the rights and improving the lives of
11 people with very low income. What experience do you
12 have with the government service that makes this
13 position interesting to you and that makes you a
14 particularly good fit for this position?

15 STEPHEN LOFFREDO: Well, as you just
16 mentioned, I've devoted my entire life to public
17 service and public interest. Serving on the Board
18 would give me the opportunity to continue along that
19 path. Public service, as you all know, is very
20 meaningful work. It's a noble pursuit. It'd be an
21 honor for me to be able to continue to contribute in
22 that way.

23 CHAIRPERSON UNG: Thank you. According to
24 your written responses, you have appeared in over
25 thousands of administrative hearings and you have

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2 litigated numerous Article 78 cases challenging
3 agency regulations and determinations. Have any of
4 those appearances or representations been before COIB
5 or OATH in behalf of a client accused of violation of
6 Chapter 68?

7 STEPHEN LOFFREDO: No. They have not.

8 CHAIRPERSON UNG: When asked whether there
9 should be established penalty structure for a COIB
10 violation, you cited the federal sentencing
11 guidelines for the principle that rule-based
12 penalties might hinder the Board's ability to arrive
13 at a disposition that best promotes the goals of the
14 ethics law. Please explain what are the goals of the
15 ethics law and how a rules-based penalty schedule
16 might hinder them.

17 STEPHEN LOFFREDO: So, of course, there
18 are many aspects to what the Board would try to
19 accomplish through Chapter 68. One, of course, is to
20 hold public servants to a high ethical standard.
21 Another is to administer the law in a fair way. And
22 the question that was posed in the pre-hearing
23 questionnaire, essentially asking whether it's better
24 to have a very narrow rules-based system for
25 administering the law or rather to have a more open

1 standards-based system that allows for, you know,
2 allows for more flexibility, allows the Board to take
3 more of a totality of the circumstances kind of
4 approach. There are benefits and drawbacks to both
5 approaches. You recited the drawback, one of the
6 drawbacks to a narrow rules-based approach for having
7 a fixed schedule of penalties, which is that when
8 developing such a schedule, it may be difficult to
9 anticipate the myriad factors and combination of
10 factors that a particular case might present. and it
11 may prevent the Board from ruling in a way that it
12 believes is most fair and most just, and that was the
13 criticism that many federal judges had of the
14 sentencing guidelines when they were mandatory.
15 There's a disadvantage to having a more open system,
16 which is it could give rise to what appear to be
17 arbitrary variances between facially similar cases.
18 And so it's a question that, sitting here today, I
19 wouldn't want to prejudge before having an
20 opportunity, if I'm confirmed, to raise these issues
21 with staff and other members of the Board and discuss
22 them. I agree it's an important question and does
23 deserve examination by the Board.
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2 CHAIRPERSON UNG: Thank you. You were
3 asked whether there should be a statute of
4 limitations for the violations of Chapter 68. You
5 responded that you would need to understand the
6 reasons that the chapter omits a statute of
7 limitations period from the Chapter 68 before you
8 could reply on such questions, and you wrote that you
9 have no opinion on whether the Board has the power to
10 adopt a statute of limitations on accord. So, as a
11 threshold matter, would you acknowledge that if a
12 Council wanted violations of a Chapter 68 to be
13 subject to a statute of limitations, the Council
14 could amend Chapter 68 to include that?

15 STEPHEN LOFFREDO: I believe so. I believe
16 that might... I'm going to take a guess. I believe that
17 might have to be done through Charter revision or the
18 State Legislature. I do not know if the Council has
19 the authority to do that.

20 CHAIRPERSON UNG: Okay, so we do.
21 Confirmation that we do, so we do. So, we do have the
22 ability to do that. If so, then your answer would be
23 yes, right? That's what you just said.

24 STEPHEN LOFFREDO: So, on my opinion on
25 the ultimate question?

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CHAIRPERSON UNG: Yes.

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STEPHEN LOFFREDO: My opinion on the ultimate question is all things being equal, there ought to be statutes of limitations in situations like this because otherwise you might face the unfairness of a complaint being brought against something many years after the fact, after... what's the famous quote, after, you know, witnesses have disappeared, memories have faded, evidence is no longer available, it's then impossible for the person to set up any kind of meaningful defense against the complaint. So, again, all things being equal, I think there ought to be a statute of limitations, but let me repeat my caveat, which is there are things that I don't know. I don't know whether the question of statute of limitations was raised when Chapter 68 was adopted. I don't know what the arguments were against it. I don't know if the fact that a statute of limitations was missing was intentional or an oversight, and so before taking a firm position, I would want to educate myself.

CHAIRPERSON UNG: No. I understand. But I think the question is more of whether or not the City Council, because if we want to have a violation of

1 Chapter 68 subject to the statute of limitations, we
2 could amend it as a Council who has the authority to
3 do so.

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5 STEPHEN LOFFREDO: It appears that
6 Committee Counsel seems to have the answer to that.

7 CHAIRPERSON UNG: Yes.

8 STEPHEN LOFFREDO: I don't know the answer
9 to that.

10 CHAIRPERSON UNG: So, what deterrent
11 effects could the absence of a statute of limitations
12 have on public corruption? Like if you don't have
13 one, if you don't have the statute?

14 STEPHEN LOFFREDO: No statute of
15 limitations?

16 CHAIRPERSON UNG: Right.

17 STEPHEN LOFFREDO: Then someone who
18 committed a violation would have to live every day
19 out into the future wondering whether the COIB would
20 catch up with them. I don't know how much more
21 deterrent effect that would have and whether it would
22 outweigh the potential unfairness of having no
23 statute.

24 CHAIRPERSON UNG: We're going to get to
25 the real situation now. So, discovery, adjudication,

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2 or betrayal of public trust often takes years. Also,
3 violations often involve a public official using
4 public resources for private benefits. So for
5 example, in 2023, the COIB ordered Mayor de Blasio to
6 reimburse 320,000 dollars to the City for the use of
7 NYPD for security during his 2019 run for president.
8 Given these realities, what benefits to the public
9 trust would there be if public officials could escape
10 penalties with the passage of time?

11 STEPHEN LOFFREDO: You raise an excellent
12 point. And so the question about if there's a statute
13 of limitations, one would be, well, what's the length
14 of the statute of limitations? So, the limitations
15 period in the civil service law for discipline is
16 something like 18 months, which is very short. A
17 statute of limitations for Chapter 68 could be set
18 much longer. There could also be provisions for
19 tolling the statute of limitations under certain
20 circumstances.

21 CHAIRPERSON UNG: Thank you. I might have
22 more questions, but I'm going to actually hand it
23 over to our Minority Leader, David Carr.

24 MINORITY LEADER CARR: Thank you so much,
25 Chair. It's good to see you, Mr. Loffredo.

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2 I just want to pick up with some of the
3 questions that we discussed the other day, and I'll
4 start where I did in that conversation with respect
5 to COIB's former social media presence. The Conflicts
6 of Interest Board used to have a very engaging,
7 entertaining, and informative presence on social
8 media, in particular X, then known as Twitter. Around
9 2023, that account disappeared. And so I'd just love
10 to know your position on whether or not you'd
11 advocate for the return of COIB's presence on that
12 platform and other platforms so that the public could
13 get the benefit of the agency's staff and expertise.

14 STEPHEN LOFFREDO: I think as we
15 discussed, I was not aware of this particular issue.
16 Of course, in general, the more the public can be
17 made aware, the more the public servants in the city
18 can be made aware of the strictures of the ethics
19 laws, the better. Sitting here today, what I can
20 assure you is this is an issue that, if I'm
21 confirmed, I would raise with other members of the
22 Board.

23 MINORITY LEADER CARR: I appreciate that.
24 And I just want to double up on what the Chair was
25 asking earlier about, you know, a statutory framework

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2 with respect to penalties and making sure that
3 there's some level of consistency across cases.
4 Obviously, I heard your answer, and we spoke about
5 this previously, but do you commit to doing an
6 internal inventory or talking to your colleagues,
7 perhaps future colleagues on the Board, about an
8 inventory to assure that there's some level of
9 consistency despite the discretion that COIB
10 currently has under law?

11 STEPHEN LOFFREDO: Again, I thank you for
12 the question because I think it's a very important
13 issue. And one place I would want to start is to look
14 at the Board's existing precedents and see how the
15 penalties match or don't match the violations and
16 whether there's consistency or variation and why that
17 is, and then discuss with staff and other Board
18 members what steps to take from there.

19 MINORITY LEADER CARR: Appreciate that.
20 And, you know, obviously we have public servants, you
21 know, long-time agency staff, elected officials, and
22 everything in between agency heads, right? And
23 there's a diversity of opinion that exists in the
24 City workforce, all those who are subject to Chapter
25 68. And we all come here as policymakers, and you,

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2 prospectively as one, with a lifetime of opinions,
3 right, that you've had time to develop. And I just
4 want to hear from you about how seriously you take
5 the commitment to kind of leave your own ideological
6 views at the door when you're assessing matters that
7 come before.

8 STEPHEN LOFFREDO: Yes. Thank you for the
9 question. I think politics, ideology, partisanship
10 have absolutely no place on the Board. Giving
11 entrance to any of that would be anathema to the
12 entire purpose of the Board and would undermine its
13 credibility and the public's trust in it.

14 MINORITY LEADER CARR: Appreciate that
15 answer.

16 That's all the questions I have for now,
17 Chair. Thank you.

18 CHAIRPERSON UNG: Thank you. I'd like now
19 to turn it over to Deputy Speaker Williams.

20 DEPUTY SPEAKER WILLIAMS: Hello. The first
21 question I have is, do you favor a structured fine
22 schedule or broad discretion?

23 STEPHEN LOFFREDO: So that goes back to
24 the questions that the Chair asked. And again, I see
25 advantages and disadvantages to both approaches. The

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2 advantage to a fine schedule is that it gives better,
3 clearer notice in advance. It also would tend to
4 produce more consistency across cases that look
5 facially similar. The downside is that it may hinder
6 the Board or prevent the Board from reaching the most
7 fair, the most just result in a particular case that
8 involves many factors that perhaps the authors of the
9 fine schedule did not anticipate. The advantage to
10 having a broader totality of circumstances kind of
11 method for imposing fines is that it, again, gives
12 the Board the opportunity to potentially reach the
13 fairest disposition. The downside is it could give
14 rise to what appear to be arbitrary inconsistencies
15 between cases that are similar. And so I see the
16 benefits and drawbacks to both of those approaches. I
17 agree it's a very important matter and I would want
18 to, if I'm confirmed, I would want to have
19 conversations with staff and other Board members
20 about this.

21 DEPUTY SPEAKER WILLIAMS: Thank you. Do
22 you think there should be a statute of limitations on
23 ethical violations?

24 STEPHEN LOFFREDO: Yes. So, as I (CROSS-
25 TALK)

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2 DEPUTY SPEAKER WILLIAMS: Sorry. You don't
3 have to explain it again. I'll go to the next
4 question.

5 And I know I did hear you talk about your
6 career in litigating against government. Do you feel
7 like you would ensure neutrality in enforcement
8 decisions?

9 STEPHEN LOFFREDO: That I would...

10 DEPUTY SPEAKER WILLIAMS: Ensure
11 neutrality in enforcement?

12 STEPHEN LOFFREDO: Neutrality.

13 DEPUTY SPEAKER WILLIAMS: Yes.

14 STEPHEN LOFFREDO: Yes. I can assure you I
15 would be neutral in that regard. Most of my career
16 was dedicated to holding government accountable to
17 law, and that's, in a way, what the COIB does. It's
18 holding public servants to a high ethical standard. I
19 don't think there's any contradiction or tension
20 between that task and what I've done throughout my
21 professional career.

22 DEPUTY SPEAKER WILLIAMS: And in your
23 opinion, do you think there are any current
24 weaknesses within the Chapter 68 law?
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2 STEPHEN LOFFREDO: Before having the
3 chance, I've pored over this statute for the many
4 hours over the last number of weeks. I've read the
5 rules, read a number of the decisions. I think
6 before, again, if I'm confirmed, before I have an
7 opportunity actually to dig into and be involved in
8 the administration of the law, I could not opine on
9 potential improvements to Chapter 68.

10 CHAIRPERSON UNG: Thank you.

11 I know Council Member Chris Banks has
12 joined us here today, and I know he has a couple of
13 questions too.

14 COUNCIL MEMBER BANKS: Thank you, Chair.
15 First of all, congratulations on coming before the
16 Committee.

17 The COIB is sometimes required to rule on
18 matters involving elected officials, senior agency
19 heads, or mayoral appointees. How do you define
20 independence in this role, and how would you ensure
21 that this is exercised consistently?

22 STEPHEN LOFFREDO: Well, the Board needs
23 to treat everyone the same when there's a complaint.
24 An elected official, in some instances, reading
25 Chapter 68, there's certain narrow, expressly

1
2 enumerated situations where a different rule might
3 apply to an elected official raising money for a
4 campaign. Other than those specifically enumerated
5 and narrow circumstances, the Board needs to treat
6 any public servant in the same way with the same
7 processes equally.

8 COUNCIL MEMBER BANKS: Thank you. Have you
9 ever declined a matter, a client, or a professional
10 opportunity due to an ethical concern? And if so,
11 what did that experience teach you about ethical
12 decision making?

13 STEPHEN LOFFREDO: Have I ever declined a
14 matter? I mean, there may have been, in my 40 years,
15 cases in which a client wanted the attorneys or the
16 clinic to follow a particular approach, and we were
17 unable to do that because of the Rules of
18 Professional Conduct. I've not declined a job.

19 COUNCIL MEMBER BANKS: Okay.

20 STEPHEN LOFFREDO: I was at CUNY Law
21 School for 38 years, so there weren't many
22 intervention points where I was offered jobs or
23 looking for jobs, so that really has not come up.

24 COUNCIL MEMBER BANKS: Okay. How do you
25 strike the appropriate balance between protecting

1
2 public servants from unfounded accusations and
3 ensuring meaningful accountability when the
4 violations occur?

5 STEPHEN LOFFREDO: Yes. I think the
6 Chapter 68 and the rules address that, for instance,
7 with confidentiality provisions. If a complaint
8 doesn't go past a particular point, it's
9 confidential. Without that, the system really
10 couldn't operate properly. And, you know, once
11 there's an actual decision, then of course, if
12 there's a decision that a violation has occurred,
13 that does become public.

14 COUNCIL MEMBER BANKS: Okay. And at a time
15 when, you know, public trust in government is very
16 fragile, what role should the Conflicts of Interest
17 Board play in strengthening confidence in City's
18 institutions?

19 STEPHEN LOFFREDO: I think it needs to
20 scrupulously carry out the charge of Chapter 68 and
21 the related ethics laws.

22 COUNCIL MEMBER BANKS: And when it comes
23 to educating the public, what makes you particularly
24 well-suited to serve on a body that is responsible
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2 for both educating the public servants, when
3 necessary, and also disciplining them?

4 STEPHEN LOFFREDO: I've been an educator
5 for 40 years, 38 years. Some of the work through the
6 clinics has been the know-your-rights kind of work
7 out in the community where we would have to take
8 frequently complex legal rules and make them
9 understandable by the public. Having said all this,
10 you know, I have examined the Board's materials, its
11 public education materials, its videos, and have to
12 say I've been quite impressed with what they're
13 doing, which isn't to say that if I'm confirmed once
14 I get there, I wouldn't want to dig into that and see
15 if there are ways that I can be helpful and improve
16 that part of the Board's charge.

17 COUNCIL MEMBER BANKS: Well, thank you for
18 that.

19 This my last question, Chair. The Mayor
20 appoints three of the five members of the Board of
21 Conflicts, and how would you help ensure that the
22 Board maintains its independence from appointing
23 authority while carrying out its duties?

24 STEPHEN LOFFREDO: Yes. Thank you for the
25 question. As you know, in 2019, the statute was

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2 altered to change the appointment authority from one
3 that was exclusively mayoral to one that was shared
4 with other citywide elected officials, and the reason
5 given for that was that it would improve the
6 independence of the Board. So that is a central, you
7 know, prime directive of the Board.

8 COUNCIL MEMBER BANKS: All right.

9 STEPHEN LOFFREDO: Once someone goes on to
10 the Board, they are duty bound to apply the law to
11 any public servant that comes before it, irrespective
12 of the fact that it might be an elected official who
13 appointed them. Same thing happens with federal
14 judges, for instance. They might be appointed by a
15 president. They sit on cases in which the president
16 is a party. They should not let that influence them.
17 And I can assure you, you know, the source of my
18 nomination would not influence me in carrying out the
19 duties of the job.

20 COUNCIL MEMBER BANKS: All right. Thank
21 you. Thank you for answering those questions. Thank
22 you, Madam Chair.

23 CHAIRPERSON UNG: Thank you.

24 I'd like to now turn it over to Council
25 Member Encarnación.

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2 COUNCIL MEMBER ENCARNACIÓN: Hello. Good
3 morning.

4 I know a lot of the conversation has been
5 around how do you operate within the confines of the
6 Charter. And so my question really is, under what
7 circumstances, if any, do you or should the Board
8 recommend legislative amendments rather than try to
9 reinterpret existing provisions under the Charter?

10 STEPHEN LOFFREDO: So, the statute gives
11 the Board rulemaking authority, which means it can
12 essentially set policy in the gaps in the law.
13 Without having thought about this before, my
14 preliminary thought would be, if there's a point at
15 which there's a large gap in the law and a decision
16 through rulemaking would make a very significant
17 policy change, the Board might consider whether the
18 gravity of that makes it more appropriate for a
19 legislative body instead of an administrative body.

20 COUNCIL MEMBER ENCARNACIÓN: Okay. Because
21 I'm thinking too in terms of how do you adapt or
22 interpret conflict law to modern realities. We were
23 just talking about you all on social media, right?
24 Social media plays a big role in what is coming up
25 next for all elected officials, how they monetize

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2 possibly, right, on social media, how they
3 communicate on social media. And so I'm wondering,
4 looking forward, how do you see the Board adapting
5 any interpretation of conflict law to modernize it?

6 STEPHEN LOFFREDO: If confirmed, I
7 probably would not be the Board member people would
8 turn to on questions of social media because..

9 COUNCIL MEMBER ENCARNACIÓN: Fair enough.

10 STEPHEN LOFFREDO: I have no footprint or
11 experience in that. But I take your point that it is
12 an emerging or already emerged issue that needs
13 attention.

14 COUNCIL MEMBER ENCARNACIÓN: Thank you.

15 CHAIRPERSON UNG: Thank you.

16 I just have a few more questions. So,
17 City employees under investigation by COIB have a
18 statutory right to be represented by counsel. When
19 asked by whether the City should pay for such
20 counsel, you responded you were unaware of any
21 authority of the Board to prescribe the provision of
22 counsel. Why do you answer it that way when the
23 Chapter 68 expressly allowed for the counsel?

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2 STEPHEN LOFFREDO: Well, there's a
3 question of right to counsel and the question of
4 right to counsel funded by the government.

5 CHAIRPERSON UNG: Yes.

6 STEPHEN LOFFREDO: And so that's the
7 differentiation. I'm aware that public servants who
8 are union members frequently have counsel through
9 their unions.

10 CHAIRPERSON UNG: Actually, then that
11 leads to the second question I have, which is, so
12 when the City employees who are under investigation
13 or prosecution of a suspected violation of Chapter
14 68, should they be provided with counsel at the
15 City's expense?

16 STEPHEN LOFFREDO: Across the board? What
17 I would say and what I did say in response to the
18 pre-hearing questionnaire is as a general matter, if
19 somebody is faced with a legal proceeding and there
20 might be a deprivation of a property interest or a
21 liberty interest or their reputation, they ought to
22 have access to counsel. And the reason that is, is
23 because it, well, it promotes fairness. It also helps
24 the decision-making process to have counsel on both
25 sides. Because when there's counsel on both sides,

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2 there's a greater chance that the decision-maker will
3 be presented with the best facts and the best legal
4 arguments supporting each side and be able to make a
5 more accurate and fair decision. So, if there's a
6 reason why someone is unable to afford counsel as a
7 general matter, I think it would be a good investment
8 to ensure that they had that. Again, both for
9 purposes of fairness and for purposes of ensuring the
10 process operates properly.

11 CHAIRPERSON UNG: Okay. So, following up
12 to that question, so if a person is accused of a
13 violation of Chapter 68, accused of taking actions
14 that's beyond the scope of their duties and
15 violations and other violations of laws and policy,
16 does that disqualify them from representation
17 provided by the City?

18 STEPHEN LOFFREDO: Okay, so let me try to
19 understand. So, there's an individual who's both
20 accused of a violation of Chapter 68 and...

21 CHAIRPERSON UNG: Well, the violation is
22 that they took actions that's beyond their scope of
23 their duties.

24 STEPHEN LOFFREDO: I see, and so the
25 question is whether that person...

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CHAIRPERSON UNG: Right.

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STEPHEN LOFFREDO: So, the premise of the idea of getting counsel is when there's a complaint. At that stage, before it's been adjudicated, it's just a complaint.

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CHAIRPERSON UNG: Right.

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STEPHEN LOFFREDO: The person hasn't been found guilty yet. The question of whether they've actually violated the statute is something that would be determined through an adversarial hearing process, and for the reasons I gave before, it's better for both sides to be represented by counsel under those circumstances.

CHAIRPERSON UNG: Okay. So, following up to the legal concept of everyone has a right to legal representation, there isn't a right to counsel in civil proceedings. I know there's a right, obviously, in criminal proceedings. Actually, it's very limited, the rights that someone has in a civil proceeding to counsel. So, COIB is a civil proceeding. So, can we just follow a little bit of the thought process behind your answers?

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STEPHEN LOFFREDO: Yes. The courts have already decided there's no constitutional right to

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2 counsel funded by the government in civil
3 proceedings. The City Counsel has decided in many
4 cases, tenant protection, immigrant cases, to as a
5 policy matter, provide for such counsel.

6 CHAIRPERSON UNG: Right. But so, your
7 answer is that still, like in COIB proceedings, that
8 everyone has a right to a counsel?

9 STEPHEN LOFFREDO: A right? No, no. The
10 question, as I understood it, was a question of
11 policy.

12 CHAIRPERSON UNG: Right.

13 STEPHEN LOFFREDO: Would it be better?
14 Would the system operate more fairly and efficiently
15 and justly if people had counsel in, especially if it
16 gets to the point of an adversarial hearing? And I
17 think as a policy matter, the answer is yes. As a
18 constitutional matter, the answer is there isn't a
19 constitutional right to publicly funded counsel in
20 those proceedings.

21 CHAIRPERSON UNG: Okay. Thank you for the
22 clarification.

23 So, my last question. I think several
24 Council Members here did ask it, but just to be a
25 little bit more specific, if appointed to the Board,

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2 what would your position be on handling alleged
3 conflicts of interest violations by the mayor?

4 STEPHEN LOFFREDO: The mayor is in the law
5 defined as an elected official, same as any other
6 elected official. Elected officials, except when
7 there is a very specific carveout, are treated the
8 same way as public servants. So, the answer is the
9 mayor gets treated the same way as anyone else if
10 there is a complaint about a conflict. There's no
11 special treatment.

12 CHAIRPERSON UNG: Okay. Thank you.

13 Thank you for all your answers. So, I
14 want to thank you for joining us today and providing
15 your testimony. You are excused.

16 I think now we're going to move on to the
17 public comment period. So, I'm going to open up the
18 floor for the public for comments.

19 If you wish to speak, please fill out an
20 appearance card with the Sergeant-at-Arms and wait to
21 be recognized. We ask that you please limit your
22 comments to two minutes. If you have a written
23 statement, please provide a copy of that statement to
24 the Sergeant-at-Arms.

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2 Okay. Seeing none, the public hearing on
3 these nominees is now closed.

4 I would like to again thank the nominees
5 and the members of the public, the Speaker, my
6 Colleagues in the Committee, the Committee Counsel,
7 and Staff, and the Sergeant-at-Arms.

8 This meeting is hereby adjourned. Thank
9 you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 27, 2026