

Olivencia, Mildred

From: tsherman@njadvancemedia.com
Sent: Thursday, January 07, 2016 3:28 PM
To: Olivencia, Mildred
Cc: Torres-Rojas, Genara; Van Duyne, Sheree; Ng, Danny; Shalewitz, William
Subject: Freedom of Information Online Request Form

Information:

First Name: Ted
Last Name: Sherman
Company: The Star-Ledger
Mailing Address 1: 485 Route 1 South
Mailing Address 2: Building E, Suite 300
City: Iselin
State: NJ
Zip Code: 08830
Email Address: tsherman@njadvancemedia.com
Phone: 732 902-4562
Required copies of the records: Yes

List of specific record(s):

A copy of all ethics waivers granted to former PANYNJ employees who left to work for individuals or companies who do business with the Port Authority, from 2005 to present. If available electronically, we request the information in that format.

THE PORT AUTHORITY OF NY & NJ

FOI Administrator

April 4, 2016

Mr. Ted Sherman
The Star-Ledger
485 Route 1 South Building E, Suite 300
Iselin, NJ 08830

Re: Freedom of Information Reference No. 16593

Dear Mr. Sherman:

This is in response to your January 7, 2016 request, which has been processed under the Port Authority's Freedom of Information Code, copy enclosed, for a copy of all ethics waivers granted to former Port Authority employees in connection with certain post-Port Authority employment matters from 2005 to the date of your request.

Material responsive to your request can be found on the Port Authority's website at <http://corpinfo.panynj.gov/documents/16593-O/>. Paper copies of the available records are available upon request.

Home addresses are exempt from disclosure as, among other classifications, personal privacy.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Danny Ng
FOI Administrator

Enclosure

*4 World Trade Center, 18th Floor
150 Greenwich Street
New York, NY 10007
T: 212 435 3642 F: 212 435 7555*



THE PORT AUTHORITY OF NY & NJ

February 15, 2007

A. Paul Blanco
Chief Financial Officer

Mr. Kevin G. Devlin
[REDACTED]

Dear Mr. Devlin:

It is the understanding of the Port Authority Ethics Board ("Ethics Board") that you are contemplating work for the firm of Covenant Security ("Covenant") as a Project Manager at John F. Kennedy International Airport in connection with a security contract (the "Contract") between Covenant and the Port Authority.

Upon consideration of the prospective benefits to the Port Authority that could result from your participation on behalf of Covenant in connection with the Contract, given your experience and familiarity with agency operating procedures, and in light of the provisions of Paragraphs IV.D.2 and V.D.5.c of Port Authority Administrative Policy Statement 20-1.15, Code of Ethics and Financial Disclosure (Revised April 11, 1996; the "Code"), the Ethics Board has determined to grant you a waiver of the applicability of Paragraph IV.D.2 of the Code, to permit you to act on behalf of Covenant in connection with the Contract. This waiver is granted subject in all respects to the condition that you promptly advise the attorney designated under the Code (Howard G. Kadin, or another designee) of your impending involvement in any other matter involving the Port Authority.

Please acknowledge your receipt and acceptance of the foregoing by signing and dating the enclosed duplicate counterpart of this letter in the space provided therefore, and returning such counterpart to Mr. Kadin, at The Port Authority of New York and New Jersey, 225 Park Avenue South, 14th Floor, New York, New York 10003.

Very truly yours,

A. Paul Blanco, Chair
Port Authority Ethics Board

ACCEPTED:

Kevin G. Devlin

2-22-07
Date



THE PORT AUTHORITY OF NY & NJ

February 1, 2008

Mr. Paul K. Gessner
[REDACTED]

Dear Mr. Gessner:

It is the understanding of the Port Authority Ethics Board ("Ethics Board") that subsequent to the termination of your Port Authority employment, which is occurring as a result of a reduction in force, you are contemplating performing work for a consulting firm in connection with a contract in which the Port Authority is a party or has a direct and substantial interest. It is the further understanding of the Ethics Board that you were designated by your Department Director to file a Port Authority Financial Disclosure Statement form in the spring of 2007 on the basis of certain expectations regarding your anticipated work on the ExpressRail project with respect to (i) involvement in the formulation and administration of certain related contracts, and (ii) access to certain confidential information. Finally, the Ethics Board has been advised that the work you actually performed subsequent to your designation as a Financial Disclosure Statement filer in the Spring of 2007 did not conform with the criteria set forth in Port Authority Administrative Policy Statement 20-1.15, Code of Ethics and Financial Disclosure (Revised April 11, 1996; the "Code") for an employee being designated to file a Financial Disclosure Statement form.

Paragraph IV.D.5 of the Code gives a blanket waiver from the one-year post-employment bar to a former employee whose employment is terminated because of reduction in the Port Authority work force, provided the former employee was not required to file a Financial Disclosure Statement form while employed by the Port Authority. In light of the Code provisions in paragraphs IV.D.2 (pertaining to the one-year post-Port Authority employment bar on former employees working for anyone other than the Port Authority in connection with a contract where the agency is a party or has a direct and substantial interest) and V.D.5.c (regarding the criterion governing the Ethics Board's waiver-granting authority), given the facts and circumstances regarding the basis for your designation as a Financial Disclosure Statement filer and the work you actually performed subsequent to that designation, the policy underlying the aforementioned blanket waiver for former employees whose employment has been terminated as a result of a reduction in force, and the importance of fairness and integrity in Port Authority practices with respect to the implementation of the provisions of the Code, the Ethics Board has determined to grant you a waiver of the applicability of Paragraph IV.D.2 of the Code, to permit you to act on behalf of a firm in connection with a contract where the

*Procurement Department
One Madison Avenue, 7th Floor
New York, NY 10010
T: 212 435 7000*



THE PORT AUTHORITY OF NY & NJ

Mr. Paul K. Gessner

2

February 1, 2008

Port Authority is a party or has a direct and substantial interest. This waiver is granted subject in all respects to the condition that you promptly advise the attorney designated under the Code (Howard G. Kadin, or another designee) of your impending involvement in any other matter involving the Port Authority.

Please acknowledge your receipt and acceptance of the foregoing by signing and dating the enclosed duplicate counterpart of this letter in the space provided therefor, and returning such counterpart to Mr. Kadin, at The Port Authority of New York and New Jersey, 225 Park Avenue South, 14th Floor, New York, New York 10003.

Very truly yours,

Lillian D. Valenti
Port Authority Ethics Board

ACCEPTED:

Paul K. Gessner

Date

Kadin, Howard

From: Kadin, Howard
Sent: Tuesday, March 25, 2008 2:41 PM
To: 'Tim Lizura'
Subject: Request for Waiver of Port Authority Post-employment Restrictions - Portfields Initiatives

I am sorry we have been missing each other over the phone. I wanted to let you know that the Port Authority Ethics Board has determined to grant you a waiver of the post-employment restrictions set forth in the Port Authority's Code of Ethics and Financial Disclosure to allow you to work with the Port Authority, on behalf of the New Jersey Economic Development Authority, in connection with Portfields Initiative projects. Formal notification is to be sent under separate cover.

Howard G. Kadin, Esq.
The Port Authority of New York and New Jersey
225 Park Avenue South, 14th Floor
New York, NY 10003
(212) 435-3457 (phone)
(212) 435-3500 (fax)

To ensure compliance with Treasury Department regulations, please be advised that, unless otherwise expressly indicated, any federal tax advice contained in this message (together with any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters.

This e-mail (together with any attachments) is intended only for the use of the named addressee(s) and may contain legally privileged and/or confidential information; please notify me immediately if you received this e-mail in error. Any unauthorized use, dissemination, distribution or copying of this e-mail (or any attachments) is strictly prohibited.



THE PORT AUTHORITY OF NY & NJ

A. Paul Blanco
Chief Financial Officer

January 12, 2009

Mr. John McDevitt
[REDACTED]

Dear Mr. McDevitt:

It is the understanding of the Port Authority Ethics Board ("Ethics Board") that, subsequent to the termination of your Port Authority employment, effective January 24, 2009 upon your retirement from the Port Authority, you are interested in pursuing employment with FJC Security Services ("FJC") in connection with a Port Authority contract for the provision of airport security services (the Contract). Specifically, you have indicated your proposed work for FJC will involve the monitoring and reporting of unauthorized intrusions onto Newark Liberty International Airport ("EWR") and Teterboro Airport in connection with an airport Perimeter Intrusion Detection System program ("PIDS program"). Under the one-year post-Port Authority employment bar set forth in Paragraph IV.D.2 of AI 20-1.15, Code of Ethics and Financial Disclosure (Revised April 11, 1996; the "Code,") a former employee may not, for one year after termination of Port Authority employment, knowingly act in any capacity for anyone other than the Port Authority in connection with any contract where the Port Authority is a party or has a direct and substantial interest. It is the further understanding of the Ethics Board that, while a Port Authority employee, you did not participate directly or indirectly in connection with the Contract, so that the lifetime bar provisions of Paragraph IV.D.1 of the Code would not apply to your prospective employment with FJC in connection with the Contract.

Upon consideration of the prospective benefits to the Port Authority that could result from your participation on behalf of FJC in connection with the Contract as it relates to the airport PIDS program, given your experience with the Port Authority Police Department working at EWR and your familiarity with agency business functions and security challenges, and in light of the provisions of Paragraphs IV.D.2 and V.D.5.c the Code, the Ethics Board has determined to grant you a waiver of the applicability of Paragraph IV.D.2 of the Code, to permit you to act on behalf of FJC in connection with the Contract. This waiver is granted subject in all respects to the condition that you promptly advise the attorney designated under the Code (Howard G. Kadin, or another designee) of your impending involvement in any other matter involving the Port Authority.

225 Park Avenue South, 15th Floor
New York, NY 10003
T: 212 435 7738



THE PORT AUTHORITY OF NY & NJ

Mr. John McDevitt
Page Two

January 12, 2009

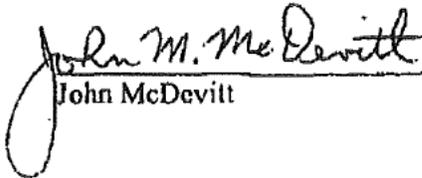
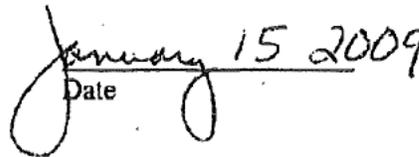
Please acknowledge your receipt and acceptance of the foregoing by signing and dating the enclosed duplicate counterpart of this letter in the space provided therefor, and returning such counterpart to Mr. Howard Kadin, at The Port Authority of New York and New Jersey, 225 Park Avenue South, 14th Floor, New York, New York 10003.

Very truly yours,



A. Paul Blance
Chair
Port Authority Ethics Board

ACCEPTED:


John McDevitt
Date



THE PORT AUTHORITY OF NY & NJ

A. Paul Blanco
Chief Financial Officer

September 16, 2010

Mr. Patrick J. Flinn
[REDACTED]

Dear Mr. Flinn:

It is the understanding of the Port Authority Ethics Board ("Ethics Board") that your employment with The Port Authority of New York and New Jersey ("Port Authority") ended effective September 7, 2010, and that you are interested in pursuing employment opportunities with respect to which you would work on projects related to Port Authority business. In that regard, you have requested a general waiver of the one-year post-Port Authority employment restriction set forth in AI 20-1.15, Code of Ethics and Financial Disclosure (Revised April 11, 1996; the "Code"), and a waiver of the Code's lifetime post-Port Authority employment restriction with respect to the Retail Management Agreement between the Port Authority and 20X Square Associates, LLC ("20X Square") regarding the management and operation of retail space in the North and South Wings of the Port Authority Bus Terminal. Under the one-year post-Port Authority employment bar contained in Paragraph IV.D.2 of the Code, a former employee may not, for one year after termination of Port Authority employment, knowingly act in any capacity for anyone other than the Port Authority in connection with any contract, including a lease, or a claim in matters where the Port Authority is a party or has a direct and substantial interest. The lifetime post-Port Authority employment bar set forth in Paragraph IV.D.1 of the Code prohibits a former Port Authority employee from knowingly acting in any capacity for anyone other than the Port Authority in connection with any contract, including a lease, or a claim in which the former employee participated directly or indirectly while a Port Authority employee; where the Port Authority is a party or has a direct and substantial interest.

Upon consideration, under all the facts and circumstances, of the prospective benefits to the Port Authority, and in light of the provisions of Paragraphs IV.D.1, IV.D.2 and V.D.5.c of the Code, the Ethics Board has determined to grant you (i) a waiver of the applicability of Paragraph IV.D.1 of the Code with respect to work you may perform in connection with the Retail Management Agreement between the Port Authority and 20X Square; and (ii) a general waiver of the provisions of Paragraph IV.D.2 of the Code. This waiver is subject in all respects to the condition that during the period commencing with your receipt of this letter and ending on the first anniversary of your termination from Port Authority employment, you promptly advise the attorney designated under the Code (Howard G. Kadin, or another designee) of your impending involvement in any matter involving the Port Authority.

225 Park Avenue South, 15th Floor
New York, NY 10003
T: 212 435 7738



THE PORT AUTHORITY OF NY & NJ

Mr. Patrick J. Flinn

-2-

September 16, 2010

Please acknowledge your receipt and acceptance of the foregoing by signing and dating the enclosed duplicate counterpart of this letter in the space provided therefor, and returning such counterpart to Mr. Howard G. Kadin at The Port Authority of New York and New Jersey, 225 Park Avenue South, 14th Floor, New York, New York 10003.

Very truly yours,

A. Paul Blanco
Chair
Port Authority Ethics Board

ACCEPTED:

Patrick J. Flinn

9/22/10
Date



THE PORT AUTHORITY OF NY & NJ

September 29, 2010

A. Paul Blanco
Chief Financial Officer

Mr. Arthur J. Cifelli
[REDACTED]

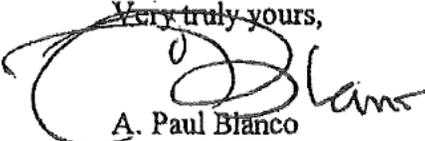
Dear Mr. Cifelli:

It is the understanding of the Port Authority Ethics Board ("Ethics Board") that your employment with The Port Authority of New York and New Jersey ("Port Authority") ended effective September 17, 2010, and that you are interested in pursuing employment opportunities with respect to which you would work on projects related to Port Authority business. In that regard, you have requested a general waiver of the one-year post-Port Authority employment restriction set forth in AI 20-1.15, Code of Ethics and Financial Disclosure (Revised April 11, 1996; the "Code"). Under the one-year post-Port Authority employment bar contained in Paragraph IV.D.2 of the Code, a former employee may not, for one year after termination of Port Authority employment, knowingly act in any capacity for anyone other than the Port Authority in connection with any contract, including a lease, or a claim in matters where the Port Authority is a party or has a direct and substantial interest.

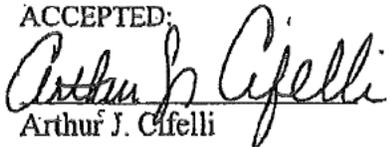
Upon consideration, under all the facts and circumstances, of the prospective benefits to the Port Authority, and in light of the provisions of Paragraphs IV.D.2 and V.D.5.c of the Code, the Ethics Board has determined to grant you a general waiver of the provisions of Paragraph IV.D.2 of the Code. This waiver is subject in all respects to the condition that during the period commencing with your receipt of this letter and ending on the first anniversary of your termination from Port Authority employment, you promptly advise the attorney designated under the Code (Howard G. Kadin, or another designee) of your impending involvement in any matter involving the Port Authority.

Please acknowledge your receipt and acceptance of the foregoing by signing and dating the enclosed duplicate counterpart of this letter in the space provided therefor, and returning such counterpart to Mr. Howard G. Kadin at The Port Authority of New York and New Jersey, 225 Park Avenue South, 14th Floor, New York, New York 10003.

Very truly yours,


A. Paul Blanco
Chair
Port Authority Ethics Board

ACCEPTED:


Arthur J. Cifelli

10-5-2010
Date

225 Park Avenue South, 15th Floor
New York, NY 10003
T: 212 435 7738

MEMORANDUM

To: Patrick J. Foye, Executive Director
Bill Baroni, Deputy Executive Director
From: Christopher M. Hartwyk
Date: December 28, 2011
Subject: SEPARATION FROM PORT AUTHORITY EMPLOYMENT -
SETTLEMENT AGREEMENT
Copy To: D. Samson, D. Buchbinder

In connection with my separation from employment with The Port Authority of New York and New Jersey, effective January 3, 2012, the Port Authority and I hereby agree as follows:

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2. 

3. 

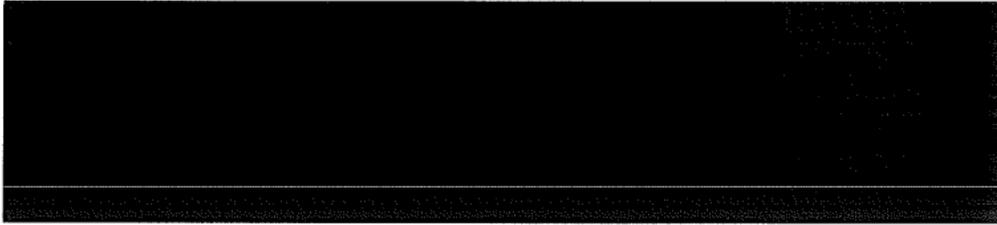
4. I agree that I will adhere to and comply with the Port Authority's rules concerning "Restrictions on Employment of Former Port Authority Employees and Persons Employing Former Port Authority Employees" as set forth in Par. IV.D. of the Code of Ethics and Financial Disclosure, AI 20-1.15 (attached); *provided, however*, that the restriction contained in Par. IV.D.2. of the Code is waived by the Port Authority. I understand that, in addition, my future endeavors shall be subject to the *Rules of Professional Conduct* in connection with my representation of the Port Authority and its related entities during the term of my service and employment and in respect of the representation of clients and the maintenance of client confidences, applicable to members of the bar of the State of New Jersey.

PF
12/28/11

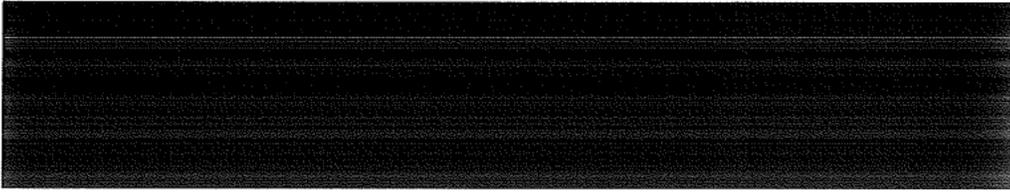
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5.



6.



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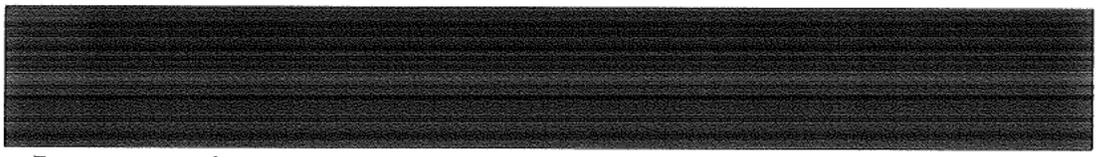
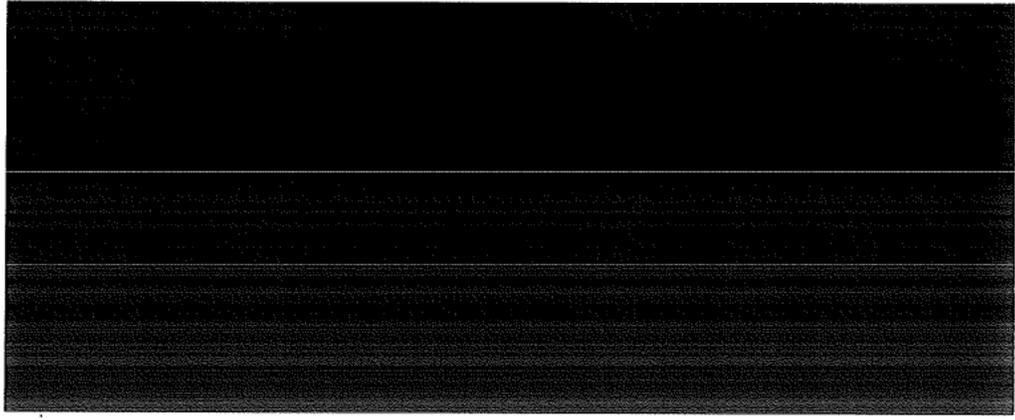


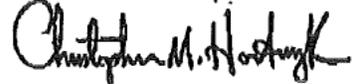
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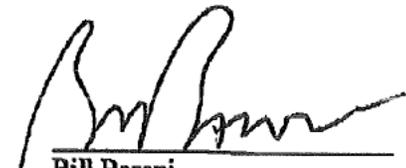
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Christopher M. Hartwyk
First Deputy General Counsel

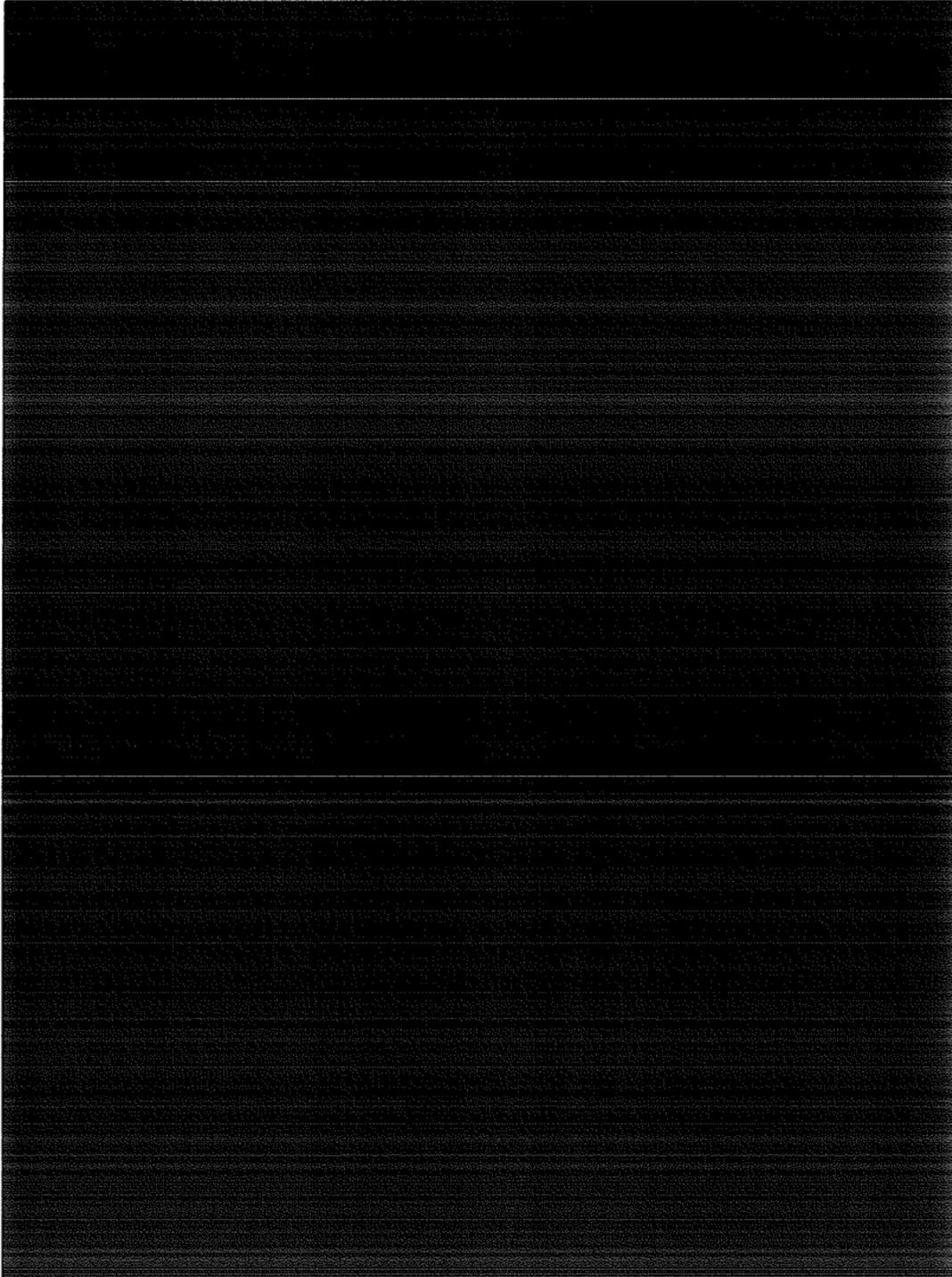
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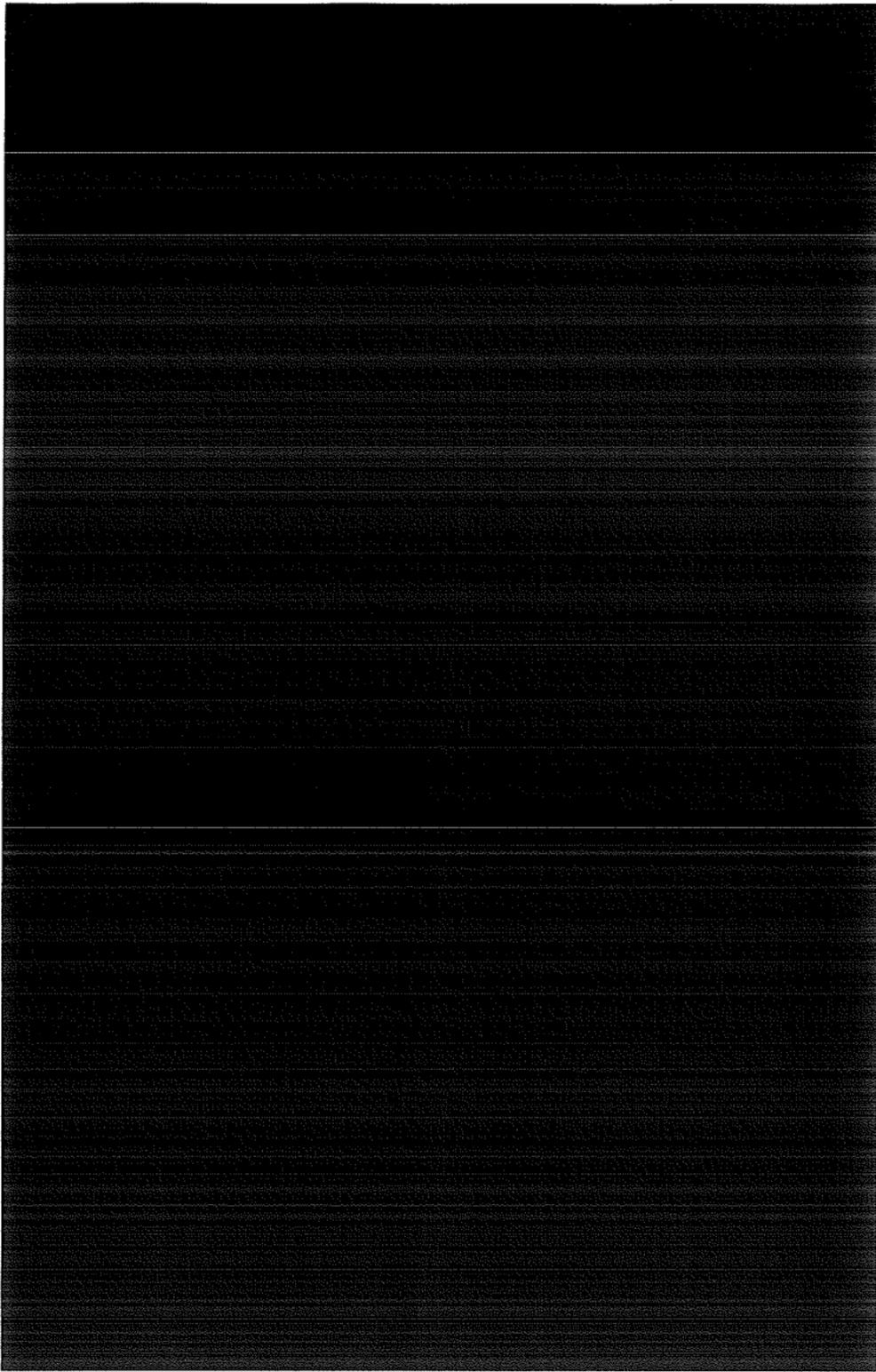
Patrick J. Foye
Executive Director
Dated: 2/28/11

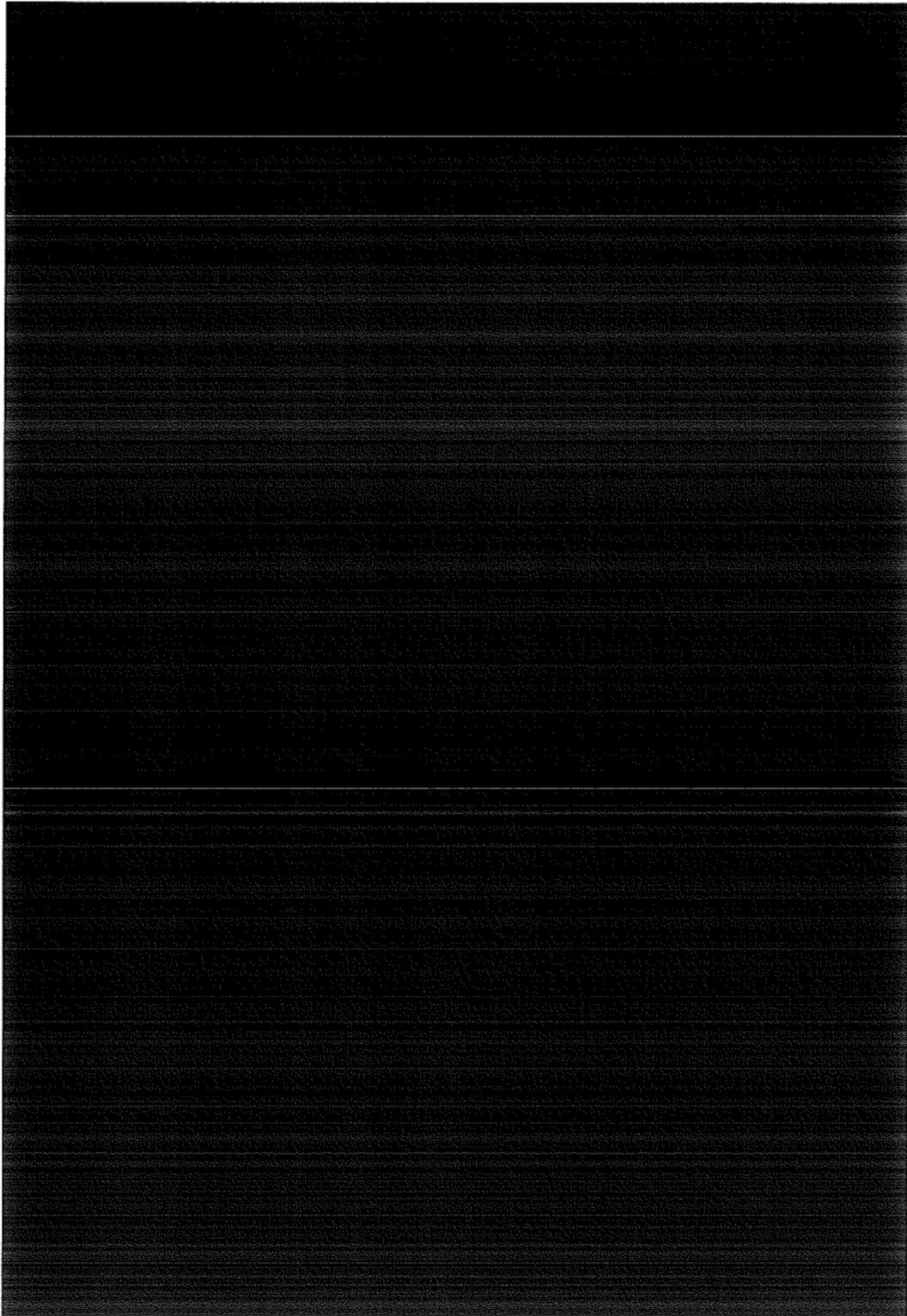

Bill Baroni
Deputy Executive Director
Dated: 2/28/11

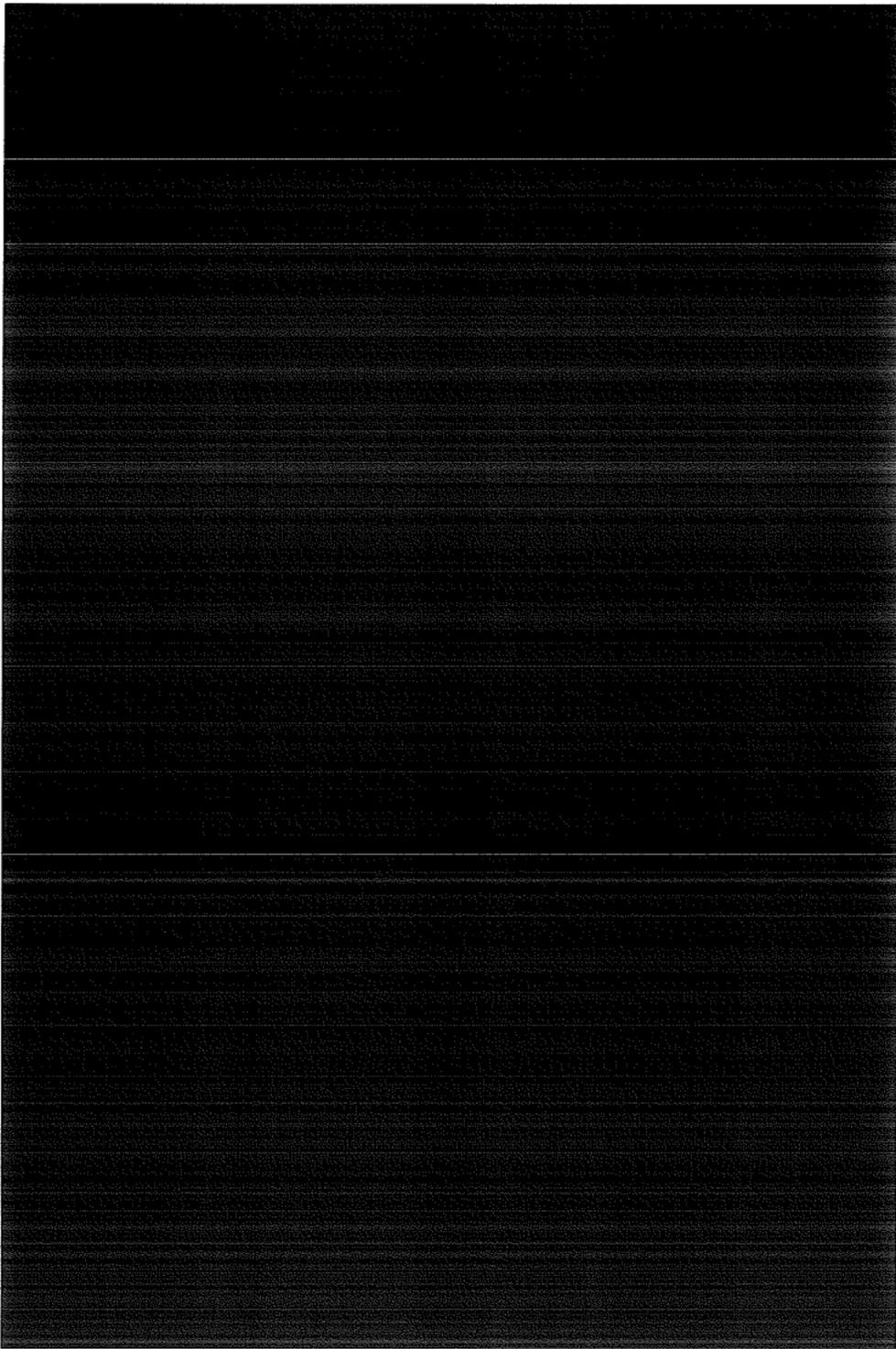


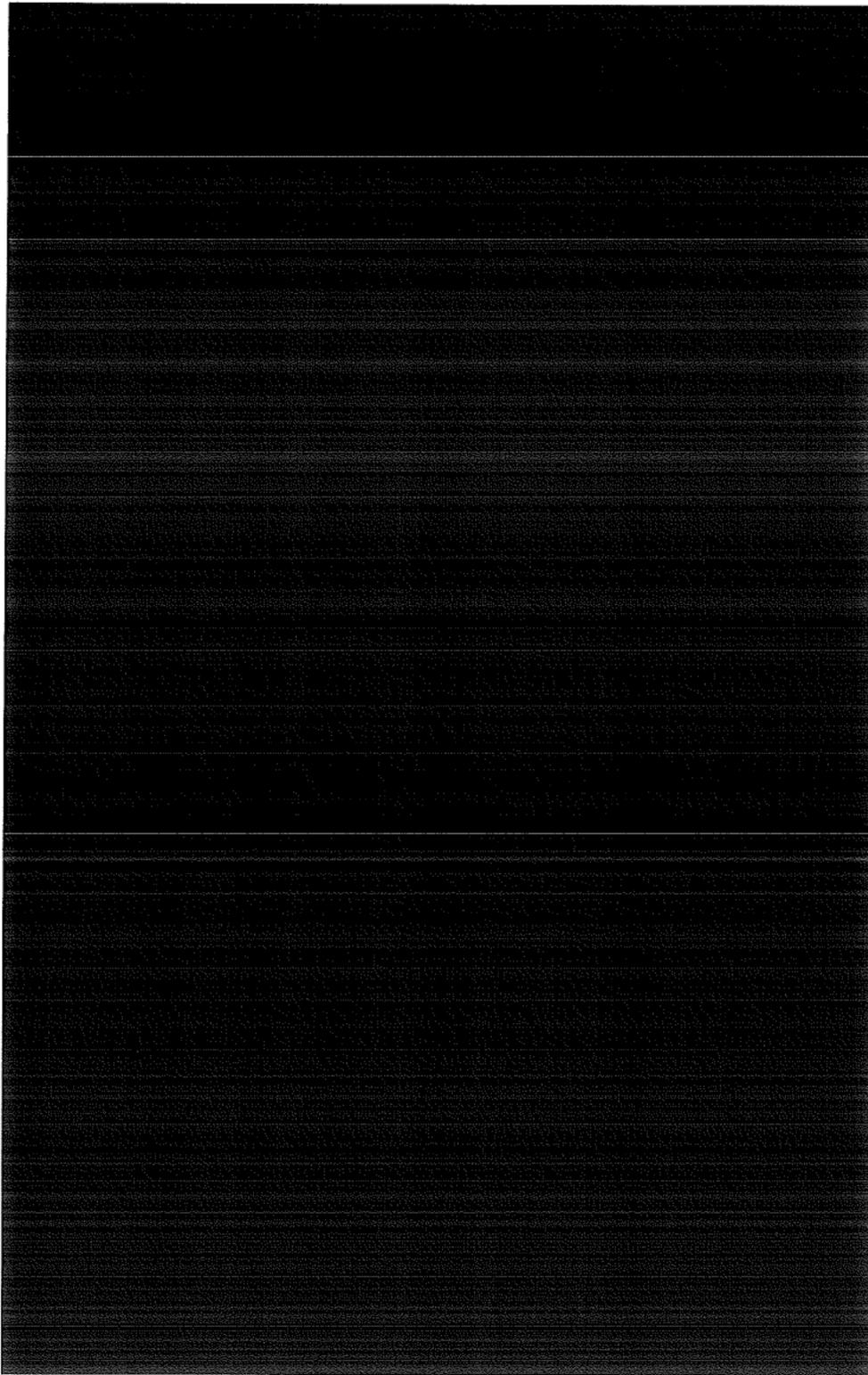
THE PORT AUTHORITY OF NY & NJ

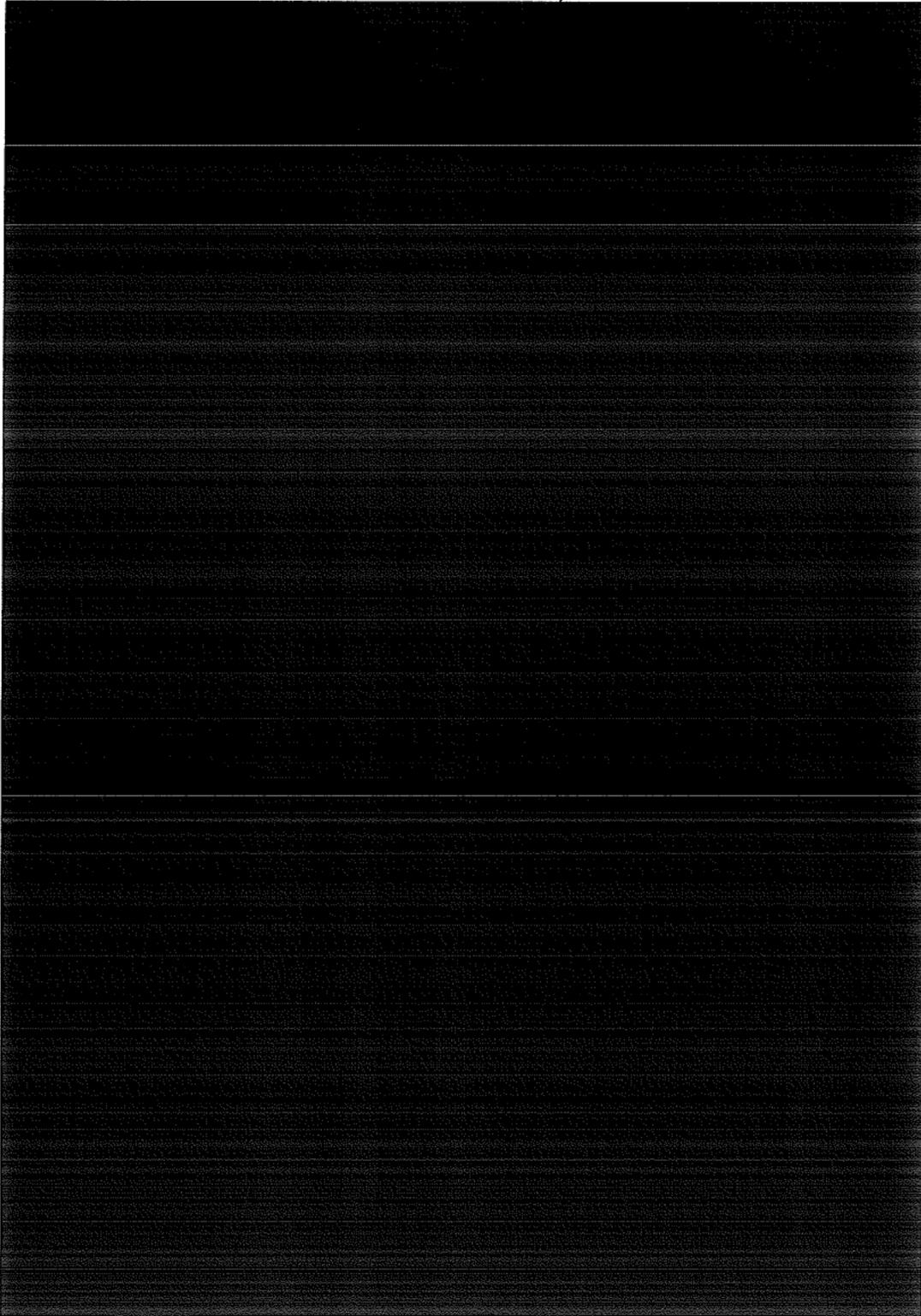


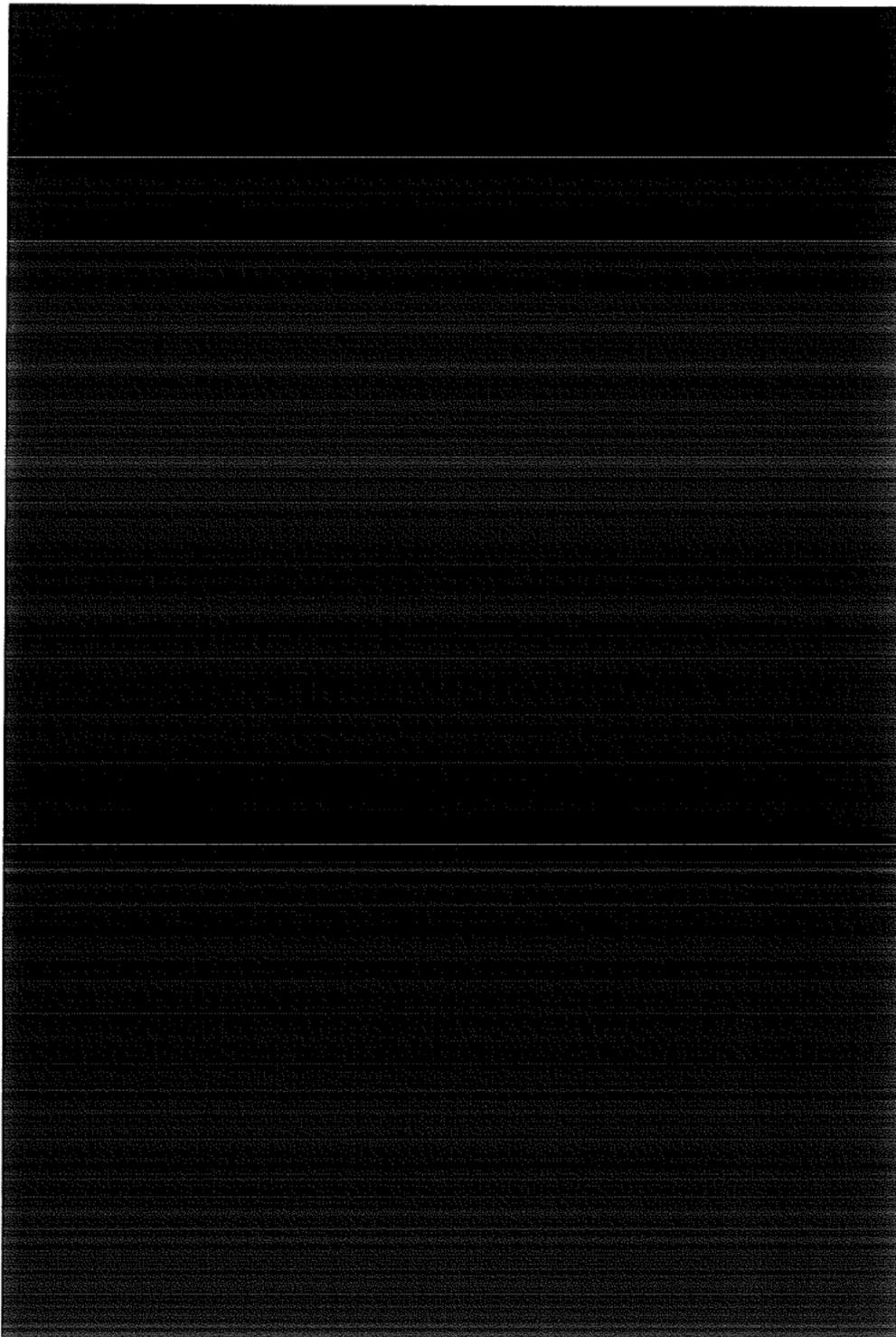


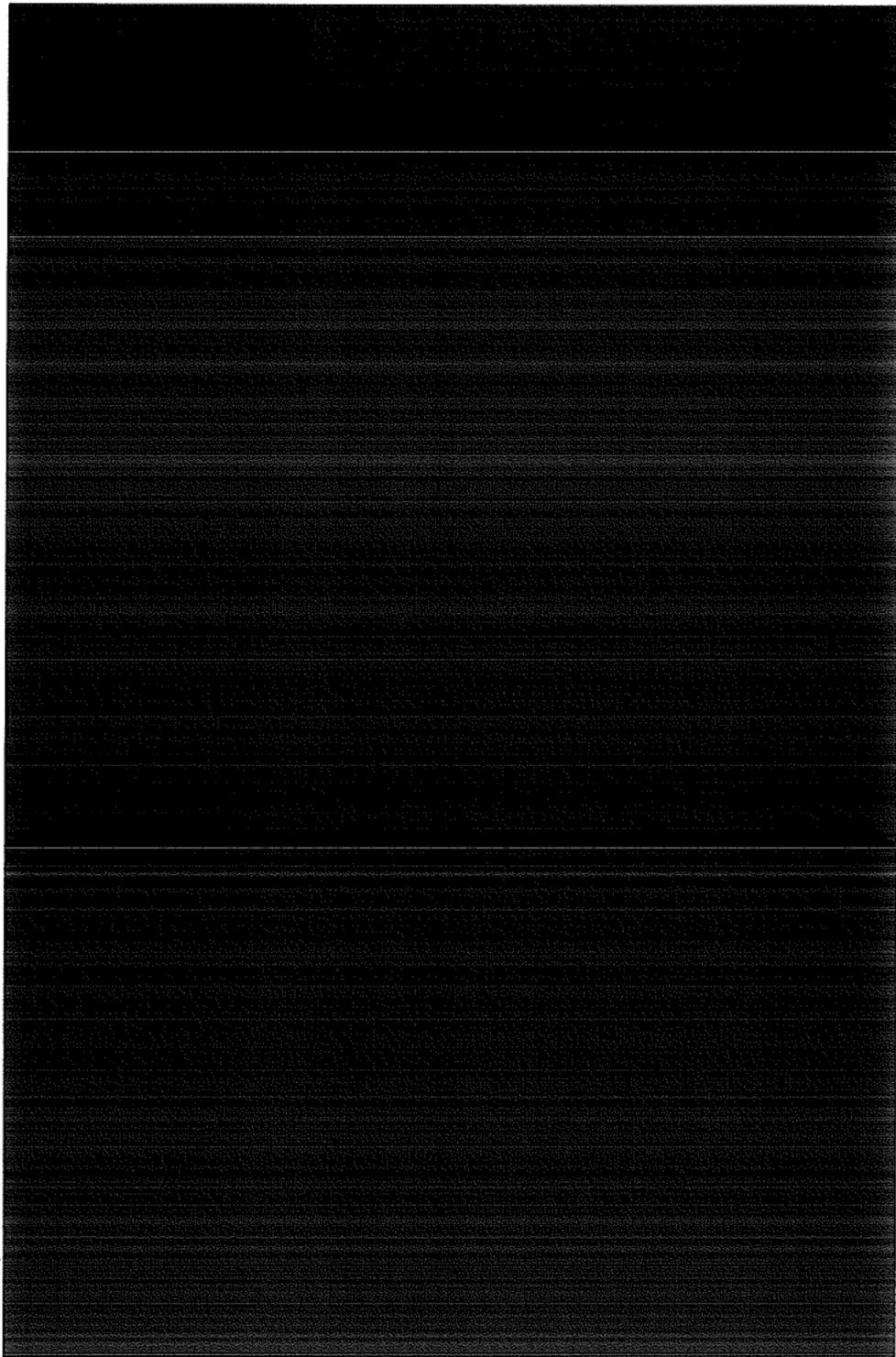


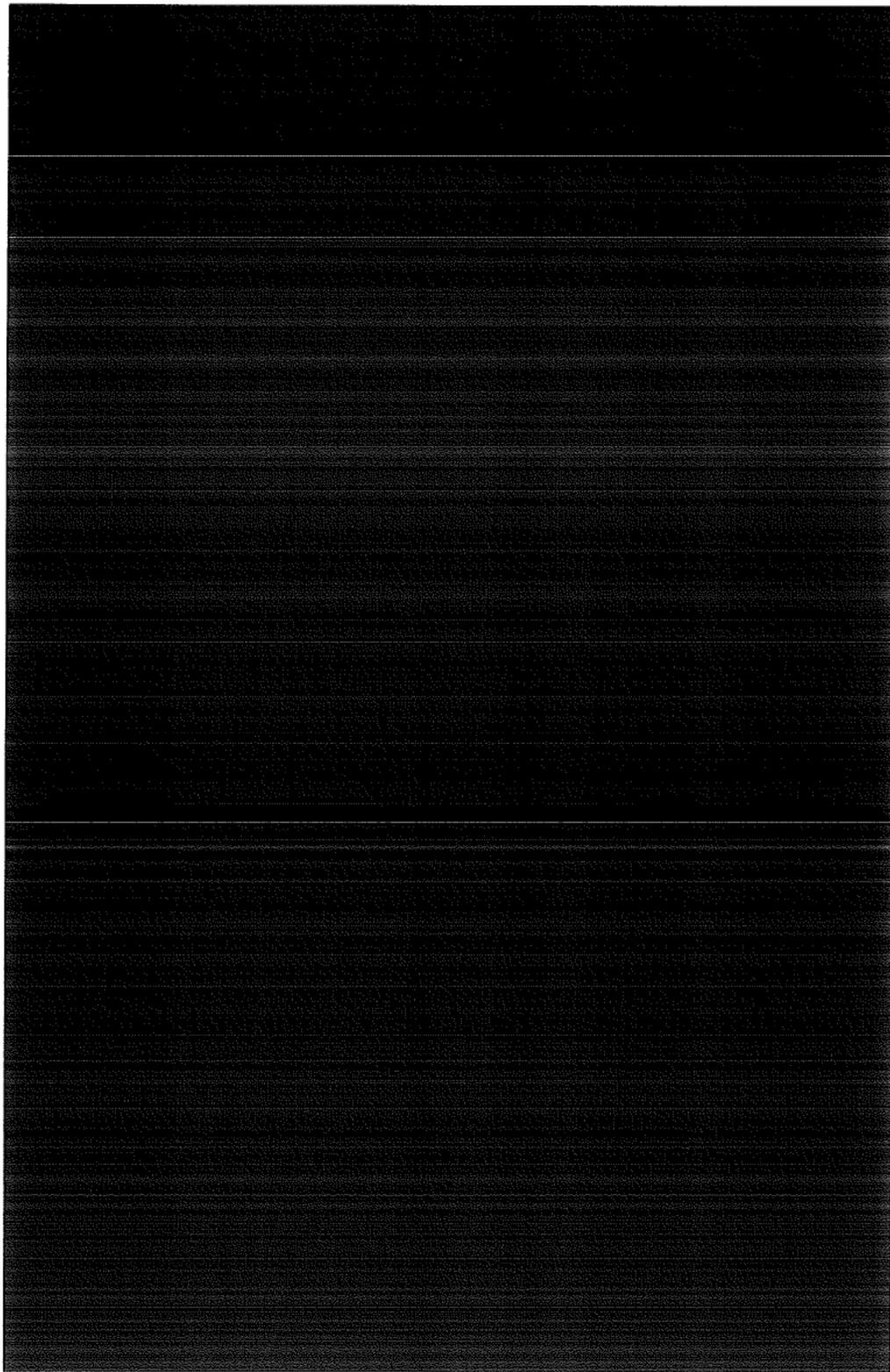


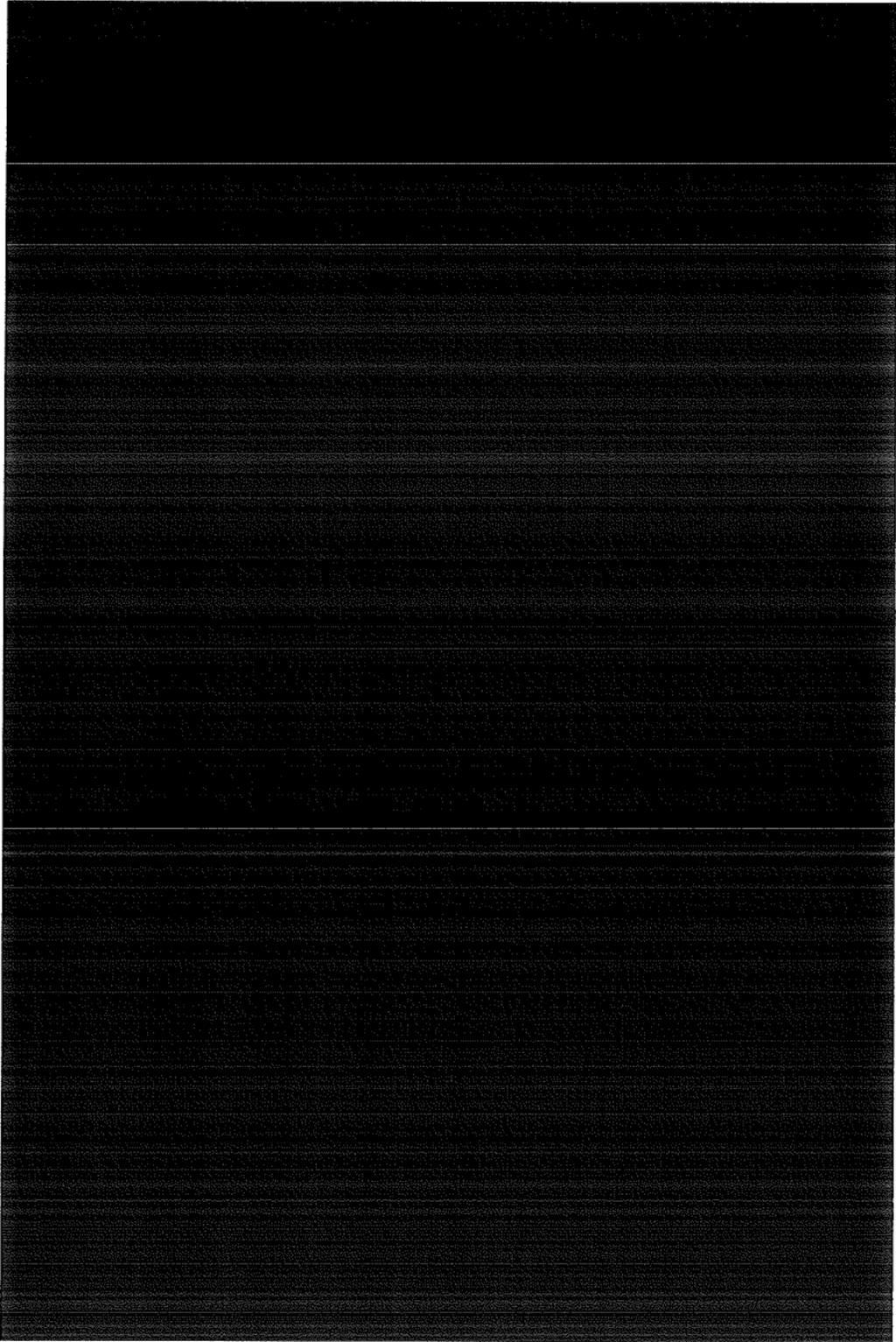


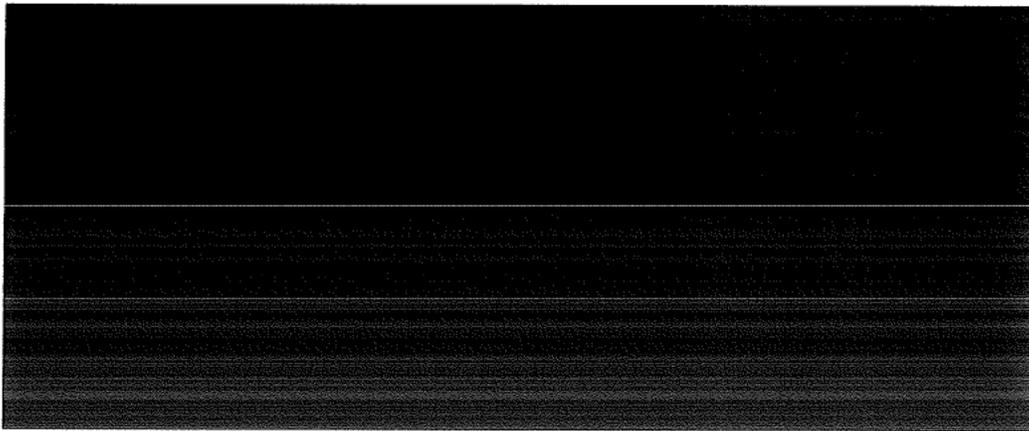


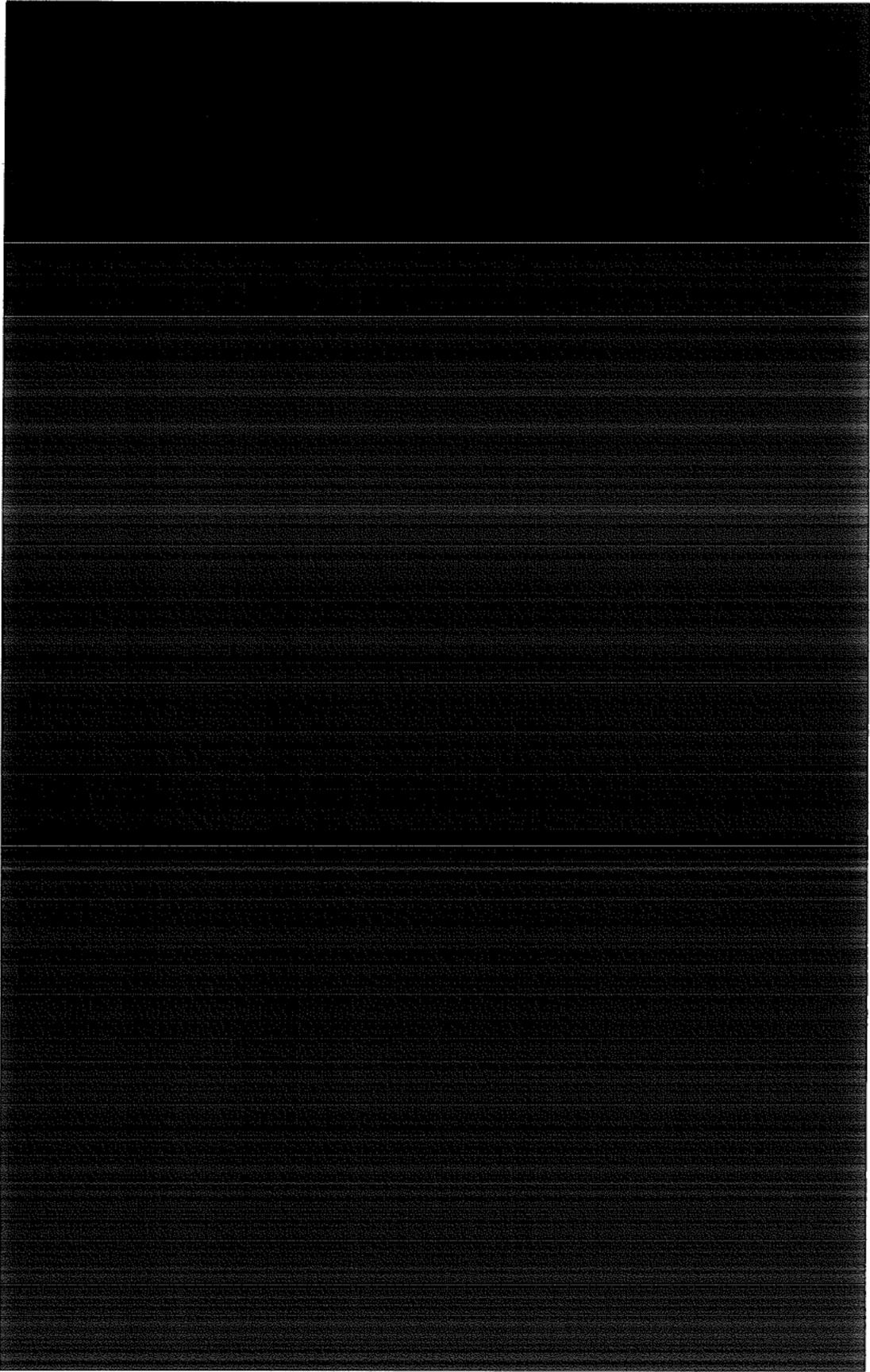












Office of the Executive Director

AI 20-1.15

Revised: March 11, 2014

CODE OF ETHICS AND FINANCIAL DISCLOSURE

I. Introduction

A. This Administrative Instruction:

1. establishes a Code of Ethics governing the conduct of Port Authority employees, former employees, and persons doing business with the Port Authority.
2. sets forth the instructions and procedures governing financial disclosure for certain employees.

B. Adherence to this Code and filing of a Financial Disclosure Statement does not relieve any individual from complying with applicable requirements of law or other instructions.

II. Instruction

Port Authority employees are entitled to share as much as possible in the benefits of the society in which they live, including privacy in their personal affairs. At the same time, as public servants Port Authority employees are responsible for conducting Port Authority business solely in the public interest.

The Port Authority, as a public agency, has a similar and broader responsibility for maintaining the highest levels of honesty, ethical conduct and public trust. To meet this responsibility, this Code of Ethics and Financial Disclosure is established.

Personal integrity is the cornerstone of this Code. Each employee bears primary responsibility for avoiding financial and other interests which create a conflict between Port Authority employment and personal affairs.

III. Definitions

- A. "Blind trust" means an independently managed trust in which the beneficiary has no management rights and is not given notice of alterations in, or other dispositions of, the property subject to the trust.

- B. "Business" means a private legal entity formed for profit including a corporation, partnership, sole proprietorship, joint stock company, or joint venture.
- C. "Confidential information" means information which is available to an individual only because of the individual's status as an employee of the Port Authority and is not a matter of public knowledge or available to the public on request.
- D. "Financial interest" means:
 - 1. ownership of an interest or involvement in a relationship from which or as a result of which a person has received within the past year, or is entitled to receive in any future year, more than \$1,000 or its equivalent; or
 - 2. ownership of interest other than in tangible personal property which has a market value in excess of \$1,000. In determining the value of an interest, debts, liens or other encumbrances thereon are not subtracted; or
 - 3. ownership of an interest in tangible personal property other than motor vehicles which has a market value in excess of \$10,000. In determining the value of an interest, debts, liens or other encumbrances thereon are not subtracted; or
 - 4. liability or indebtedness to a person in excess of \$5,000.
- E. "Immediate family" means a spouse, children, parents, brothers and sisters.
- F. "Other interest" means holding a position in a business such as an officer, director, trustee, partner, employee, or a position of management, or acting as a consultant, agent or representative in any capacity.
- G. "Participation directly or indirectly" means involvement through decision, approval, disapproval, recommendation, influence, advice, investigation, or audit.
- H. "Person" means a business, individual, union, committee, club, or other organization or group of individuals.
- I. "Transaction" means buying, selling, renting as lessor or lessee, or otherwise acquiring or disposing of services or property or an interest in such services or property, borrowing or investment of money or preparing, advising on, administering or otherwise acting in reference to the performance of a contract, or the promulgation of rules and regulations affecting such activities.

IV. Ethical Standards of Conduct

A. General Standards of Ethical Conduct

1. Any attempt to realize financial gain through Port Authority employment by conduct inconsistent with the proper discharge of Port Authority duties is a breach of ethical standards.
2. Any effort to influence a Port Authority employee to breach the ethical standards set forth in this Code of Ethics is a breach of ethical standards.
3. Any conduct on the part of a Port Authority employee which (i) gives reasonable basis for the impression that any person can improperly influence the employee or enjoy the employee's favor in the performance of the employee's official duties; or (ii) might reasonably lead to the conclusion that the employee is engaged in acts which are in violation of the public trust, is a breach of ethical standards.
4. Failure to comply with any provision set forth in this Code of Ethics is a breach of ethical standards.

B. Employee Conflicts of Interest

1. It is a breach of ethical standards for a Port Authority employee to participate directly or indirectly in a Port Authority transaction when the employee knows that
 - a. the employee, or a member of the employee's immediate family, has a financial or other interest in the Port Authority transaction; or
 - b. a business in which the employee or a member of the employee's immediate family has a financial or other interest, is involved in the Port Authority transaction. A business shall be deemed to be involved in a transaction if it is a prospective bidder on, or otherwise a prospective party to, a contract that may form a part of the transaction, as well as when it is a party to an executed contract; or
 - c. another person, with whom the employee or a member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment, is involved in the Port Authority transaction.

2. Except as provided for in Par. IV.D.5, it is a breach of ethical standards for a Port Authority employee to solicit, negotiate for, or agree to accept a position from which, after leaving Port Authority service, the former Port Authority employee would be disqualified under the Code, or any other rule or regulation related thereto, because the new position would involve (i) any Port Authority transaction; or (ii) a contract, including a lease, or a claim in which the former Port Authority employee had participated directly or indirectly while a Port Authority employee.
3. If a Port Authority employee or a member of the employee's immediate family holds a financial interest in a blind trust, the employee is not deemed to have a conflict of interest in breach of ethical standards with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the Law Department.

C. Breach of Ethical Standards by a Business

A business is in breach of ethical standards when it knows that a Port Authority employee who has a financial or other interest in the business is participating directly or indirectly in a Port Authority transaction with it in breach of the ethical standards set forth in this Code.

D. Restrictions on Employment of Former Port Authority Employees and Persons Employing Former Port Authority Employees

1. It is a breach of ethical standards for a former Port Authority employee knowingly to act as a principal, expert witness, consultant, agent or representative in any capacity for any person other than the Port Authority in connection with any contract, including a lease, or a claim in which the employee participated directly or indirectly while a Port Authority employee, where the Port Authority is a party or has a direct and substantial interest.
2. It is a breach of ethical standards for a former Port Authority employee, within one year after the termination of the employee's Port Authority employment, knowingly to act as a principal, expert witness, consultant, agent or representative in any capacity for any person other than the Port Authority, in connection with any contract, including a lease, or a claim in matters where the Port Authority is a party or has a direct and substantial interest.

3. Nothing in this Code shall preclude a former employee from
 - a. instituting a personal claim;
 - b. carrying out official duties as an elected official or employee of a federal, state or local government agency; or
 - c. performing routine clerical services, mail services, data entry services or other ministerial tasks for a person in connection with any contract, including a lease, or a claim in matters where the Port Authority is a party or has a direct and substantial interest,

provided, (i) such former employee as described in subparagraph c hereof was employed by the Port Authority to perform such services on a temporary basis, and (ii) such former employee as described in subparagraphs b. or c. hereof was not required to file a Financial Disclosure Statement pursuant to this Code.

4. It is a breach of ethical standards for a person to permit a former Port Authority employee to act as a principal, expert witness, consultant, agent or representative in any capacity when the person knows that the former Port Authority employee is in breach of the ethical standards set forth in this Code.
5. The provisions of Par. IV.D.2 shall not apply to any former Port Authority employee whose employment is terminated because of
 - a. participation in a Retirement Incentive Program; or
 - b. economy, consolidation or abolition of functions, curtailment of activities or other reduction in the Port Authority work force, provided such former employee, while employed by the Port Authority, was not required to file a Financial Disclosure Statement pursuant to this Code.

E. Gifts, Gratuities, Business Expenses and Offers of Employment

Conduct in violation of the prohibitions in AI 20-1.06, Gifts, Gratuities, Business Expenses, and Offers of Employment is a breach of ethical standards. Conduct by or with respect to a former Port Authority employee that is related in any way to the performance of the public duties or responsibilities of the former employee and that would otherwise constitute a breach of ethical standards under this paragraph IV.E but for the termination of the former employee's Port Authority employment is a breach of ethical standards.

F. Use of Confidential Information

Notwithstanding Par. IV.D.5, it is a breach of ethical standards for a Port Authority employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of another person.

V. Procedures

A. Financial Disclosure Statement

1. Each (i) Service A employee; (ii) Service B employee graded at Level B-97 or higher; and (iii) any employee designated by the employee's department director based on the criteria set forth below, must submit a Financial Disclosure Statement (form PA 3375) to the Law Department on or before May 1 of each year.

Departmental Directors are to designate, for the purpose of submitting Financial Disclosure Statements, employees, other than those included in (i) and (ii) of this paragraph V.A.1, who

- a. are responsibly involved in the formulation of construction contracts, purchase orders or contracts, or leases; or
 - b. exercise discretion in the administration of construction contracts, purchase orders or contracts, or leases; or
 - c. hold positions requiring repeated, direct substantive contact with private entities or interests; or
 - d. have continuing access to confidential information upon which they could "trade" for financial advantage; or
 - e. are responsibly involved in the financial or investment affairs of the Port Authority; or
 - f. are designated by the department director in the best interest of the Port Authority for reasons other than those listed above.
2. A new employee subject to the financial disclosure requirement, as designated by the employee's department director or based on Hay Point or Service A level, must submit a Financial Disclosure Statement no later than thirty calendar days after the date on which the Port Authority employment commences.

3. In a case where any employee, regardless of level or job assignment, believes a financial or other interest or involvement in a transaction might present a conflict of interest or other breach of ethical standards, the employee must immediately disclose the interest or involvement to the Law Department and disqualify himself or herself from participation directly or indirectly in the transaction until advised in writing by the Law Department or the Ethics Board that the employee may continue in the transaction. Within 30 days of receipt of such disclosure, an attorney designated by General Counsel shall review such matter to identify any possible conflicts of interest or other breaches of ethical standards, as described in Section IV.B of the Code. In making such determination, the designated attorney may seek additional information from the employee involved.
 4. The address of the principal place of residence of the employee need not be listed in the Financial Disclosure Statement.
 5. An employee who fails to submit a required Financial Disclosure Statement may be subject to disciplinary action.
 6. Compliance with this disclosure procedure does not indicate that a breach of ethical standards or a conflict of interest does or does not exist.
- B. Confidentiality and Public Disclosure
1. All Financial Disclosure Statements submitted to the Law Department will be filed under lock and key and, except as provided in the paragraphs below, shall be accessible for inspection only to:
 - a. the Chairman and members of the Audit Committee,
 - b. the Executive Director,
 - c. the Port Authority Ethics Board,
 - d. General Counsel,
 - e. the Director of the Audit Department,
 - f. the Inspector General, and
 - g. other Port Authority employees in the course of performing their Port Authority duties, who receive express written authorization from one of the parties listed above to review or use a statement.

2. Each statement submitted will be available for public inspection in accordance with the Port Authority's Freedom of Information Policy and procedure, subject to the provisions of paragraphs V.B.3, V.B.4 and V.B.5 immediately below.
 3. Whenever a request is made for public inspection of a statement, the employee who filed the statement shall be advised by the Law Department of the fact of such request and the identity of the party making the request before disposition is made. (See paragraph V.B.4 immediately below.) The employee shall also be advised of the final disposition of the request.
 4. Any employee may, at any time, request that any item disclosed in a statement be withheld from public inspection on the ground that public inspection of such item would constitute an unwarranted invasion of personal privacy. Such request shall be made in writing in a manner prescribed by the Law Department and shall state the reason the employee believes an item should not be disclosed, including why the information sought to be deleted from public inspection has no material bearing on discharge of the employee's official duties. An employee shall be advised of the disposition of that employee's request for withholding a statement from public inspection at least ten days prior to final disposition of the request for public inspection of that statement.
 5. Upon the request of an employee's supervisor, the Law Department may advise the supervisor whether an existing or prospective transaction or other work-related matter involving the employee would create a possible conflict of interest or other breach of ethical standards. However, a supervisor will not be allowed to review any employee's statement directly except as provided in paragraph V.B.1 above.
 6. All statements shall be destroyed after a period of three years from the date of submission, but, in the case of an active employee required to file a statement, not before a new, up-to-date statement has been submitted.
- C. Determining Conflicts of Interest and other Breaches of Ethical Standards
1. The Law Department is initially responsible for identifying possible conflicts of interest or other breaches of ethical standards.
 2. Any person who has a question about whether a prospective personal transaction, or assumption of a position of responsibility or trust, or any other matter, would create a breach of ethical standards may request in writing an advance determination on the matter from the designated attorney.

3. Within 30 days of the annual May 1 filing deadline as described in paragraph V.A.1 of the Code, an attorney designated by General Counsel determines whether there has been compliance with the filing requirement by all employees required to file a Financial Disclosure Statement, and as soon as practicable after receipt, an attorney designated by General Counsel reviews each Financial Disclosure Statement to identify any possible conflicts of interest or other breaches of ethical standards as described in Section IV.B of this Code. In making such determination, the designated attorney may seek additional information from the employee involved.
4. Upon discovery of a possible conflict of interest or other breach of ethical standards, the designated attorney notifies the affected employee in writing. The designated attorney may also direct the employee to disqualify himself or herself from participation in any transaction involving the Port Authority until the question of conflict, or other breach of ethical standards, is resolved.
5. The designated attorney may counsel an employee regarding steps which can be taken to eliminate the possible conflict or other breach of ethical standards.
6. The designated attorney also notifies, in writing, the Port Authority Ethics Board of the attorney's findings and recommendations and of any corrective action taken to eliminate a possible conflict or other breach of ethical standards.
7. Any employee may appeal in writing to the Ethics Board any finding and recommendation of the designated attorney regarding the employee's possible conflict of interest or other breach of ethical standards.

D. Port Authority Ethics Board

1. The Port Authority Ethics Board is comprised of at least three Port Authority employees (and alternates) appointed by the Executive Director.
2. Action by the Ethics Board requires the assent of a majority of the members, but in no event less than two members (or alternates) present and voting.
3. The Ethics Board may, at its discretion, review any or all findings and recommendations of a designated attorney and make separate findings and recommendations.

4. The Ethics Board shall, upon appeal by an affected person, review any or all findings and recommendations of the designated attorney.
5. At the completion of a review undertaken pursuant to paragraphs V.D.3 or V.D.4 immediately above, the Ethics Board shall determine that there is:
 - a. no conflict of interest or other breach of ethical standards as described in this Code;
 - b. a conflict of interest or other breach of ethical standards as described in this Code; or
 - c. a significant reason to waive the provision of this Code in the interest of the Port Authority.

In making such determination, the Ethics Board may seek additional information from the designated attorney and the person involved.

6. Determinations of the Ethics Board shall be binding except as provided in paragraph V.D.8 below.
7. In accordance with Section VI below, the Ethics Board may take whatever administrative action it deems just and appropriate to remedy a conflict of interest, or other breach of ethical standards as described in this Code.
8. All decisions by the Ethics Board are subject to review by the Executive Director.

VI. Administrative Remedies

- A. A Port Authority employee found to have breached the ethical standards of this Code may be disciplined in the manner provided in the rules and regulations of the Port Authority.
- B. A third party found to have breached the ethical standards of this Code is subject, in the manner provided in the rules and regulations of the Port Authority, to:
 1. issuance of written warnings; and
 2. termination of existing transactions to the extent permitted by law; and
 3. disqualification or suspension from participating in future transactions with the Port Authority.

- C. After a finding that a Port Authority employee, former employee or a third party has breached the ethical standards of this Code, Port Authority staff dealing with such employee, former employee or third party shall take action consistent with the determinations of a designated attorney or the Ethics Board.

DISCLAIMER

Although issued in revised format, the information contained in these Administrative Instructions (AIs) reflects the content of previously issued Administrative Policy Statements (APs) and, in certain limited instances, Port Authority Instructions (PAIs). The rules set forth in these AIs will remain in effect until changing conditions require their revision. This body of instructions is not intended to be exhaustive with respect to all the responsibilities of employees and it does not constitute a contract. These AIs will be updated from time to time to reflect changes or additions as appropriate, at the direction of the Executive Director.