

NEW YORK STATE COMMISSION ON ETHICS
AND LOBBYING IN GOVERNMENT

In the Matter of

James Bakleh

SETTLEMENT AGREEMENT

COELIG Case No. 22-122

Respondent.

1. This settlement agreement is entered into by and between the New York State Commission on Ethics and Lobbying in Government (the “Commission”)¹ and Mr. James Bakleh (the “Respondent”).

2. The Commission is the New York State agency responsible for administering and enforcing Sections 73 and 74 of the New York State Public Officers Law (“POL”).

3. This memorandum of agreement constitutes the entire agreement between the Commission and the Respondent. There are no promises, agreements, or conditions, express or implied, other than those set forth in this document. No modification, deletion, or addition to this agreement will be valid or binding on either party unless put into writing and signed by all parties.

4. This agreement shall become effective upon execution by the Commission, or its designee, and it is understood that this agreement is not confidential and will be made public in accordance with the provisions set forth in Executive Law §§ 94(10)(p)(ii), (11)(b), (12)(a)(iii), and (13)(b), and 19 NYCRR Part 941.16.

5. The Respondent has agreed to resolve this matter in a manner that avoids additional administrative and/or adjudicatory proceedings. As such, the Respondent stipulates to the following facts and conduct:

- a. The Respondent is the Director of Planning, Design, and Scheduling at the Metropolitan Transportation Authority Bus Company (“MTA”), which is a part of the New York City Transit Authority (“NYCT”).
- b. While employed as a Senior Director at the MTA Bus Company, the Respondent used State resources for non-State business, including during his regular working hours.
- c. Public Officers Law §§ 74(3)(d) and (h) set forth specific standards to avoid conflicts of interest and provide, in pertinent part, that:

¹ The Ethics Commission Reform Act of 2022 created COELIG to replace the Joint Commission on Public Ethics (“JCOPE”) and empowered COELIG to establish policies to address matters initiated by JCOPE, which COELIG did in Resolution 22-02 (October 6, 2022), continuing all such pending matters.

(d) No officer or employee of a state agency . . . should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

(h) An officer or employee of a state agency . . . should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

- d. The Respondent received outside activity approval to conduct his own private engineering business from both his employer and the Commission's predecessor agency in 2020. In receiving such approval, the Respondent was advised that actions associated with his outside activity are not permitted during State work hours and should not interfere with his State work responsibilities. He was further advised that no State resources of any type may be used to accomplish his outside activity, including, but not limited to, telephones, photocopying machines, and computers.
- e. Between 2020 and 2022, the Respondent sent over two hundred non-MTA-related emails from his MTA email account, both during and outside of his regular working hours. Over half of the non-MTA emails related to either his previously approved private engineering business, or to his unapproved rental property real estate business for which at the time he had not yet sought approval. The Respondent also utilized an MTA document scanner to scan and forward non-MTA documents to his personal email address on over a dozen different occasions.
- f. Additionally, although the Respondent reported ownership interests in two Limited Liability Companies that owned rental income properties on his 2019 through 2022 Financial Disclosure Statements (FDS), he did not disclose the income derived from those activities. The Respondent has since amended his prior years' FDS to include the income associated with such activities.
- g. The Respondent was issued a formal reprimand by the MTA in relation to the above-described conduct. In addition, the Respondent's outside activity request for his private real estate business has been denied.

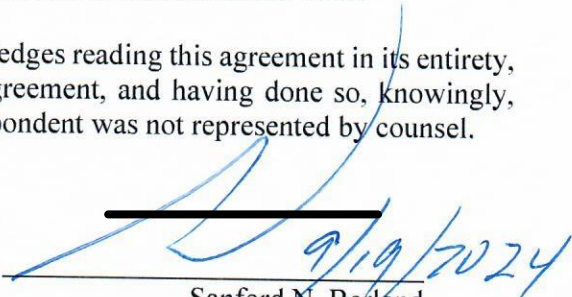
6. Respondent admits that his above-described conduct constitutes a Public Officers Law violation pursuant to §§ 74(3)(d) and (h).

7. Respondent agrees, pursuant to Public Officers Law § 74(4) and Executive Law § 94(10)(n)(i) and (ii), to pay a fine in the amount of \$1,750 in settlement of the above-described violations.

8. Respondent agrees not to take any action or to make, permit to be made, authorize, or agree to any public statement denying, directly or indirectly, any finding or acknowledgment in this agreement or creating the impression that this agreement is without factual basis.

9. By signing below, Respondent acknowledges reading this agreement in its entirety, and understanding all terms and conditions of this agreement, and having done so, knowingly, voluntarily, and freely enters into this agreement. Respondent was not represented by counsel.

Dated: New York, New York
September 9, 2024



Sanford N. Berland
Executive Director
New York State Commission on Ethics
and Lobbying in Government

ACCEPTED AND AGREED TO
THIS 18 DAY OF September, 2024

Respondent – James Bakleh James Bakleh Digitally signed by James Bakleh Date: 2024.09.18 04:47:10 -0400
