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BY E-MAIL

October 22, 2015

TO: Legislative Ethics Commission (LEC)
ATT: Lisa Reid, Executive Director/Counsel

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/Records Request: Assisting the JCOPE/LEC Review Commission with a methodologically-sound review – LEC's annual reports for 2013 and 2014 & website

At the October 14, 2015 public hearing of the JCOPE/LEC Review Commission, Chairman Volker revealed that the Review Commission has been operating without funding for full-time paid staff and is being assisted by volunteers: a single New York Law School staffer and a single New York Law School student.¹ Therefore, in a spirit of public service, I have taken upon myself to also volunteer – and to secure for the JCOPE/LEC Review Commission some of the documentary evidence it requires for a methodologically-sound review.

Legislative Law §80.7(l) requires LEC to:

“Prepare an annual report to the governor and legislature summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include: (i) a listing by assigned number of each complaint and report received from the joint commission on public ethics which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this section. Such

¹ In the words of Chairman Volker: “The Commission has no pay for a full-time staff and is wholly being assisted by volunteer staff. I want to recognize and thank Ariel Dvorkin, a member of the staff of New York Law School for all his work that he has done in helping the Commission to do its work, and Jonathan Sizemor, a New York law school student.” Upon information and belief, these two volunteers perform only administrative and technological functions.

annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision twelve of this section.” (underlining added).

LEC’s By-Laws, adopted September 24, 2012, includes an Article VI entitled “Annual Reports”, which is both materially identical and different:

“The Commission shall prepare an annual report to the Legislature summarizing its activities and recommending changes in the laws governing the conduct of Members of the Legislature and legislative employees. Such report shall include a listing of each complaint and referral received by the Commission, the current status of each complaint, and the nature and date of any disposition and any sanction imposed.” (underlining added).

Both Legislative Law §80 and the LEC’s By-Laws are posted on LEC’s website. However, the only annual reports posted are for 2010, 2011, and 2012. There are no annual reports posted for 2013 and 2014 – the years that would be governed by the requirements of Legislative Law §80.7(l) and Article VI of the By-Laws. Is this an oversight?

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], I request LEC’s 2013 and 2014 annual reports – in the event you do not promptly post them on LEC’s website.

By the way, LEC’s posted annual reports for 2010, 2011, and 2012 each identify LEC’s website as www.legethics.state.ny.us. However, that web address “can’t be displayed”. The address that pops up for the Legislative Ethics Commission in a Google search is www.legethics.com. Indeed, that is the link that the JCOPE/LEC Review Commission website gives for what it describes as “Legislative Ethics Commission official website”.

Pursuant to FOIL, please furnish all publicly-available records as to why LEC is using a .com website – and the cost thereof.

Public Officers Law §89.3 requires your response “within five business days” of receipt of this request – and I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

cc: JCOPE/LEC Review Commission
Committee on Open Government
The Public