

**NEW YORK STATE LEGISLATIVE ETHICS
COMMISSION**

ANNUAL REPORT

2012

Senator Andrew J. Lanza

Assemblymember Daniel J. O' Donnell

Co-chairs

Members

**Assemblymember Tony Jordan
Senator Velmanette Montgomery**

Hon. Renee R. Roth

Peter V. Coffey, Esq.

Ellen B. Holtzman, Esq.

Mr. John J. Nigro

www.legethics.state.ny.us

Legislative Ethics Commission

Staff

Lisa P. Reid, Executive Director/Counsel
Kate Seibert, Assistant Counsel
Vicky T. Doren, Executive Assistant
Michele B. Sainato, Legal Secretary

Location: **Alfred E. Smith State Office Building**
80 South Swan Street, Suite 1431
Albany, New York 12210

Mailing Address: **Box 75**
Legislative Office Building
Albany, New York 12247

(518)432-7837
Senate extension 2142
Assembly extension 5218

www.legethics.state.ny.us

Legislative Ethics Commission

The Legislative Ethics Commission was created by Chapter 14 of the Laws of 2007 as part of the Public Employees Ethics Reform Act of 2007. The Commission was established to succeed the Legislative Ethics Committee, originally established in 1987. While the jurisdiction of the Commission remained substantially the same, Chapter 14 changed the composition of the Commission from an eight member legislative body to a nine member commission consisting of four legislators and five non-legislative members. Each legislative leader appoints one legislator and one non-legislator to serve on the Commission. The Legislative Law provides for the appointment of a fifth non-legislative member to be named jointly by the Temporary President of the Senate and the Speaker of the Assembly. The terms of the legislative leaders run concurrently with their two year legislative terms. After the initial staggered terms of the non-legislative members have been served, their successors are appointed for four year terms. The legislative appointees of the majority conferences serve as the Commission's co-chairs.

For 2012, members of the Commission were:

- Senator Andrew J. Lanza, (R/I, 24th Senate District, part of Richmond County),
- Assemblymember Daniel J. O'Donnell (69th Assembly District, part of Manhattan),
- Senator Velmanette Montgomery (18th Senate District, part of Kings County)
- Assemblymember Tony Jordan (112th Assembly District, Washington County, parts of Rensselaer and Saratoga Counties)
- Hon. Renee R. Roth, appointed by the Speaker of the Assembly,
- Peter V. Coffey, Esq., appointed by the Assembly Minority Leader,
- Ellen B. Holtzman, Esq., appointed by the Senate Minority Leader, and
- Mr. John Nigro, appointed by the Temporary President of the Senate.

The Commission's responsibilities are set forth in Legislative Law Section 80 and include administration and enforcement of Sections 73, 73-a and 74 of the Public Officers Law. The Public Integrity Act of 2011 (Chapter 399 of the Laws of 2011, signed August 15, 2011) amends the duties and responsibilities of the Legislative Ethics Commission effective January 2012.

The Legislative Ethics Commission retains its jurisdiction to issue advisory opinions to legislators and legislative staff and receive and review financial disclosure statements of legislators, legislative staff and candidates for legislative office for filing with the LEC and JCOPE, The Commission is also required to develop educational materials and ethics training in conjunction with and at the request of the Legislature, respond to informal requests for guidance, maintain a public website and prepare reports as required by statute.

Legislative Ethics Commission Website

In compliance with Chapter 14 of the Laws of 2007, the Legislative Ethics Commission created and maintains a public website at www.legethics.state.ny.us. Information on the website includes relevant statutes, bylaws, rules of the Commission, including the procedure for filing a complaint, and public documents. The website also provides forms and instructions, generic advisory opinions, and contact information. The website is updated on an ongoing basis.

Legislative Ethics Commission Meetings

Section 80 of the Legislative Law provides that the Commission shall meet bi-monthly and at such additional times as may be called for by the co-chairpersons jointly or any five members of the Commission. Five members of the Commission constitute a quorum, and the Commission has the power to act by majority vote of the total number of members of the Commission without vacancy. In 2012, the Commission met on the following dates:

Monday, January 23, 2012
Monday, March 12, 2012
Thursday, May 31, 2012
Monday, September 24, 2012 (*postponed from August 24, 2012*)
Thursday, November 29, 2012

Financial Disclosure

The Legislative Ethics Commission is responsible for administering the financial disclosure requirements of Public Officers Law (POL) §73 and §73-a. Legislative members, legislative employees who earn more than the filing rate set forth in §130(1)(a) of the Civil Service Law (\$88,256 annually during 2012), employees who are designated by their appointing authorities as policy makers for disclosure purposes, and candidates for the state legislature must file the disclosure statement set forth in POL §73-a. All other legislative employees are required to file the financial disclosure statement described in POL §73(6).

Pursuant to §73-a, completed Annual Statements of Financial Disclosure for legislative members and employees must be filed on or before May 15 of the filing year or thirty days after commencing employment. Generally, candidates for legislative office are required to file within ten days after the last day allowed by law for the filing of designating petitions. The Commission publishes a guidebook, also available online, to assist those individuals required to file the Annual Statement of Financial Disclosure. Commission staff also answers numerous inquiries regarding the completion of the statement and welcome such inquiries by phone, e-mail, or in person at the Commission offices.

The statements are reviewed to assure that the responses to questions are complete, internally consistent, and consistent with filings for prior years. The Commission may also seek to confirm information reported on disclosure forms with publicly available sources of information such as attorney registration, professional licensing and corporate information. The Commission asks for additional information or clarification where it appears the filing may be deficient. Approximately twenty three percent of the legislative members filed amendments to their Annual Statements of Financial Disclosure after review to add or clarify information. Within forty five days of receipt, the LEC forwards Annual Statements of Financial Disclosure to JCOPE.

The following chart summarizes the number of disclosure statements filed:

	2010	2011	2012
Legislative Members	212	214*	212
Employees-File Rate	320	154	161
Employees-Designated Policy Makers	509	280	294
Other filers (POL §73(6))	3,509	3,294	3,147
Candidates for Legislative Office	307	16	320
Total	4,857	3,958	4,134

*Legislative Members who filed as candidates in a special election held prior to May 15th of the filing year are not required to refile on May 15th with the same information.

Please note that the number of financial disclosure forms filed, does not reflect the current number of employees due to transition of staff.

Public Inspection

The information in a financial disclosure statement is available for public inspection, except for the categories of value, which are redacted pursuant to Public Officers Law §80(14)(a), and may be inspected at the Commission offices for filings prior to 2012. Those disclosure forms filed in 2012 are available at the Joint Commission on Public Ethics. A member of the public may obtain a copy of the statement by mail, fax or e-mail, upon the payment of a nominal copying fee.

The following table summarizes such requests:

	2007	2008	2009	2010	2011	2012
Requests Granted	417	863	1263	1291	403	178
Requests Denied *	1	1	0	1	0	0

* Disclosure requests are denied only if the document sought does not exist.

Annual Statements of Financial Disclosure filed in 2013 will be unredacted for categories of income and legislators' statements will be available on line through the JCOPE web-site.

Legal Activity

Advisory Opinions

Upon the written request of any person who is subject to the jurisdiction of the Commission and the requirements of sections 73, 73-a and 74 of the Public Officers Law, the Commission renders confidential advisory opinions on the application of the laws to particular, specific, facts. Last year, the Commission issued a number of formal opinions on subjects including outside employment, client disclosure, commission appointments, permissible participation in a law suit by a legislator and post employment restrictions. The Commission also offered informal advice and guidance on a variety of requests from current and former members of the legislature, candidates for legislative office, potential, current and former legislative employees and others who deal with the legislature.

The Commission is directed, by statute, to post generic advisory opinions on frequently asked questions on its web site. In 2012, the Commission issued a generic opinion on Attendance at National Political Conventions. Given the increased volume of requests for formal and informal opinions, the Commission anticipates a number of general advisory opinions will be posted over the next year.

Complaints and Investigations

As complaints must now be filed with the Joint Commission on Public Ethics, the instructions for filing with JCOPE are available on the LEC website. In 2012, the Legislative Ethics Commission referred all parties who wished to file a complaint to JCOPE. Additionally, three investigations which had not reached final disposition were forwarded to JCOPE.

The Commission issued a Decision and Notice of Civil Assessment in the Matter of Pedro Espada Jr., and assessed a fine against the former legislator in the amount of \$80,000.18 for violation of Public Officers Law §73(14)(a) and §74(3)(d). The Decision and Notice is available on the LEC website as will any future dispositions of Substantial Basis Investigation Reports received from the Joint Commission on Public Ethics Commission website: www.legethics.state.ny.us.