

**NEW YORK STATE LEGISLATIVE ETHICS  
COMMISSION**

**ANNUAL REPORT  
2013**

**Co-chairs**

**Senator Andrew J. Lanza  
Assemblymember Charles D. Lavine**

**Members**

**Assemblymember Tony Jordan  
Senator Neil D. Breslin  
Hon. Renee R. Roth  
Peter V. Coffey, Esq.  
Ellen B. Holtzman, Esq.  
Mr. John J. Nigro**

**[www.legethics.state.ny.us](http://www.legethics.state.ny.us)**

## **Legislative Ethics Commission**

### **Staff**

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**[www.legethics.state.ny.us](http://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. Pursuant to the 2007 Act, the successor commission is 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 2013, members of the Commission were:

- Senator Andrew J. Lanza, (24<sup>th</sup> Senate District, part of Richmond County)
- Assemblymember Daniel J. O'Donnell (69<sup>th</sup> Assembly District, part of Manhattan), - through January 24, 2013
- Assemblymember Charles D. Lavine (13<sup>th</sup> Assembly District, part of Nassau County) - appointed January 24, 2013
- Senator Velmanette Montgomery (18<sup>th</sup> Senate District, part of Kings County) – through February 2013
- Senator Neil D. Breslin (44<sup>th</sup> Senate District, parts of Albany and Rensselaer Counties) – appointed March 2013
- Assemblymember Tony Jordan (112<sup>th</sup> Assembly District, Washington County, parts of Rensselaer and Saratoga Counties)
- Hon. Renee R. Roth, appointed by the Speaker of the Assembly- through July 30, 2013

- Carlin Meyer, Esq, appointed by the Speaker of the Assembly  
September 16, 2013
- Peter V. Coffey, Esq., appointed by the Assembly Minority Leader
- Ellen B. Holtzman, Esq., appointed by the Senate Minority Leader
- 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) amended the duties and responsibilities of the Legislative Ethics Commission effective January 2012.

The Public Integrity Act established the Joint Commission on Public Ethics (JCOPE), replacing the Commission on Public Integrity. JCOPE retained all of the powers and duties of COPI and, in addition, Chapter 399 provided that investigations of violations of Public Officers Law §§ 73, 73-a and 74 by legislators and legislative staff are now to be conducted by the Joint Commission on Public Ethics. The LEC, however, retained the jurisdiction to impose penalties for violations of Public Officers Law by legislative members and staff.

The Legislative Ethics Commission retained 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](http://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 2013, the Commission met on the following dates:

Thursday, January 24, 2013  
Wednesday, March 6, 2013  
Tuesday, April 16, 2013  
Monday, May 20, 2013  
Tuesday, June 4, 2013  
Thursday, June 20, 2013  
Thursday, August 8, 2013  
Wednesday, October 30, 2013  
Tuesday, November 12, 2013

## **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 2013), 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 welcomes 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 thirty-one 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 for filing.

The following chart summarizes the number of disclosure statements filed:

	2011	2012	2013
Legislative Members	214*	212	211
Employees-File Rate	154	161	183
Employees-Designated Policy Makers	280	294	300
Other filers (POL §73(6))	3,294	3,147	3,368
Candidates for Legislative Office	16	320	14
<b>Total</b>	<b>3,958</b>	<b>4,134</b>	<b>4,287</b>

\*Legislative Members who filed as candidates in a special election held prior to May 15<sup>th</sup> of the filing year are not required to refile on May 15<sup>th</sup> 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

Completed Annual Statements of Financial Disclosure filed through calendar year 2010 are available for public inspection at the Commission offices, except for the categories of value, which are redacted pursuant to Public Officers Law §80(14)(a). Those disclosure forms filed in 2012 (for calendar year 2011) 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 requests for copies of Annual Statements of Financial Disclosure from the LEC:

	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013**</i>
<b>Requests Granted</b>	863	1263	1291	403	178	25
<b>Requests Denied *</b>	1	0	1	0	0	0

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

\*\* Legislators' statements became available online in 2013

Annual Statements of Financial Disclosure filed by legislators in 2013 (for calendar year 2012) and going forward are available online at the Joint Commission on Public Ethics website, [www.jCOPE.ny.gov](http://www.jCOPE.ny.gov), and are no longer redacted for categories of value.

## 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, volunteer service, utilizing personal funds for district office lease space, investments, financial disclosure, student subsidy, commission appointments, attending social events with spouses 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.

### Complaints and Investigations

As complaints must be filed with the Joint Commission on Public Ethics, the instructions for filing complaints with JCOPE are available on the LEC website. In 2013, the Legislative Ethics Commission referred all parties who wished to file a complaint to JCOPE.

### Substantial Basis Investigation Report

The Legislative Ethics Commission received one Substantial Basis Investigation Report from the Joint Commission on Public Ethics pursuant to Executive Law §94(14-a) on February 20, 2013:

#### JCOPE-127: IN THE MATTER OF AN INVESTIGATION OF ASSEMBLYMEMBER VITO LOPEZ

Pursuant to Legislative Law Section 80(10), the Legislative Ethics Commission concurred with JCOPE's conclusions of law that there is a substantial basis to find that former Assemblymember Vito Lopez violated Public Officers Law §74(3)(d), (f), and (h) through knowing and intentional conduct. The Legislative Ethics Commission assessed a civil penalty of \$330,000.

Disposition Report June 11, 2013:

[http://legethics.com/sites/default/files/documents/files/Lopez%20disposition\\_0.pdf](http://legethics.com/sites/default/files/documents/files/Lopez%20disposition_0.pdf)



## Training

Pursuant to Section 94 of the Executive Law, legislators and staff who earn over the filing rate (set pursuant to Public Officers Law Section 73-a as SG-24 set forth in Civil Service Law §131(1)(a)) or are designated as policy makers are required to complete a two-hour comprehensive ethics training course. Although the legislature has conducted various training programs in the past, formal training programs have been implemented with the assistance of the Legislative Ethics Commission pursuant to the statute.

As of the close of 2013, 92 percent of Assembly employees and 97 percent of Senate employees who are required to complete the comprehensive ethics training program have done so, with the balance expected to complete their training by June. Additionally, the majority of legislative employees who are not required to file a long form and are not required to complete the training have done so at the direction of the Legislative leaders.

The vast majority of legislators have also completed the training, and it is expected that there will be 100 percent compliance by the end of April.

Finally, the LEC has also developed and begun implementation of the online ethics orientation course, which all new employees are required to complete within three months of being hired.