

and the attorney-general, which report shall be in duplicate, one copy of which shall be forthwith, upon its receipt by the attorney-general, transmitted by him to the governor. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any person other than the governor or the attorney-general the name of any witness examined or any information obtained upon such inquiry, except as directed by the governor or the attorney-general, shall be guilty of a misdemeanor.

9. Bring and prosecute or defend upon request of the industrial commissioner or the state division of human rights, any civil action or proceeding, the institution or defense of which in his judgment is necessary for effective enforcement of the laws of this state against discrimination by reason of age, race, creed, color or national origin, or for enforcement of any order or determination of such commissioner or division made pursuant to such laws.

10. Prosecute every person charged with the commission of a criminal offense in violation of any of the laws of this state against discrimination because of race, creed, color, or national origin, in any case where in his judgment, because of the extent of the offense, such prosecution cannot be effectively carried on by the district attorney of the county wherein the offense or a portion thereof is alleged to have been committed, or where in his judgment the district attorney has erroneously failed or refused to prosecute. In all such proceedings, the attorney-general may appear in person or by his deputy or assistant before any court or any grand jury and exercise all the powers and perform all the duties in respect of such actions or proceedings which the district attorney would otherwise be authorized or required to exercise or perform.

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11. Receive complaints concerning violations of section seventy-four of the public officers law. He may refer such complaints to the advisory committee on ethical standards appointed pursuant to section seventy-four of this chapter. He may report the findings or recommendations of such committee to the state agency having the power to remove or otherwise discipline the officer or employee involved in the complaint or, if criminal prosecution may be warranted, to the proper district attorney or other prosecuting officer. Upon the basis of such findings and recommendations he may bring a civil action where the facts warrant it for the recovery of moneys or property received or expended by an officer or employee of a state agency in violation of his public trust or take such other action as he may deem appropriate. The attorney-general shall receive requests for advisory opinions from officers and employees of state agencies as to whether a particular case comes within the prohibitions of section seventy-four of such law. He may refer such requests to the advisory committee on ethical standards or he may act on them himself. He may publish such advisory opinions with such deletions as he may deem appropriate to prevent the disclosure of the identity of officers and employees involved.

12. Whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business, the attorney general may apply, in the name of the people of the state of New York, to the supreme court of the

§ 73. Power to administer oaths and take acknowledgments

The attorney-general of the state of New York and all deputies and assistants appointed by him pursuant to section sixty-two of the executive law, who have duly qualified, shall have the power, while acting as such, to administer oaths and take affidavits and acknowledgments and proofs of written instruments to be read in evidence, anywhere within the state of New York, except such instruments as now are required by law to be recorded to create constructive notice thereof.

HISTORY:

Add, L 1951, ch 800, eff July 1, 1951. Substance transferred from § 69-b.

RESEARCH REFERENCES AND PRACTICE AIDS:

- 1 NY Jur 2d, Acknowledgments, Affidavits, Oaths, Notaries, and Commissioners § 7.
- 55 NY Jur, State of New York § 23.
- 1 Carmody-Wait 2d, Oaths, Affirmations, and Affidavits § 4:30.
- 1 Carmody-Wait 2d, Acknowledgments § 5:8.
- 13 Am Jur Legal Forms 2d, Oath and Affirmation, Forms 189:1-189:4.

§ 74. Advisory committee on ethical standards

1. The attorney-general is hereby authorized and empowered to establish an advisory committee on ethical standards in the department of law. As used in this section, the term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department.
2. The committee shall, at the request of the attorney-general:
 - (a) Consider any complaints concerning violations of section seventy-four of the public officers law involving officers and employees of state agencies; make determinations thereon and report its recommendations to the attorney-general.
 - (b) Render to the attorney-general an advisory opinion as to whether the facts and circumstances in a particular case involving an officer or employee of a state agency demonstrate a violation of section seventy-four of the public officers law.
 - (c) Advise and assist any state agency in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former officers and employees.
 - (d) Make recommendations for revisions in the code of ethics and other legislation relating to the conduct of state officers and employees in the performance of their official duties.
3. The attorney-general may publish the advisory opinions and determinations of the committee with such deletions as he may deem appropriate to prevent the disclosure of the identity of officers and employees involved.
4. The committee shall have no executive, administrative or appointive duties. Each member shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred by him in the performance of his official duties.

HISTORY:

Add, L 1954, ch 698, § 1, eff Jan 1, 1955.