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February 27, 2017

TO: New York State Assembly Records Access Officer Robin Marilla

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

RE: FOIL/Records Request: What has the Assembly Committee on Ethics and Guidance been doing, other than enabling its chair and ranking member to collect added pay?

Assembly Rule IV, §1 entitled “Standing Committees”, lists 37 standing committees – and, among them, “Ethics and Guidance”.

As such, the standing Committee on Ethics and Guidance is NOT exempt from Rule IV, §9, entitled “Annual reports by standing committees”. To the contrary, Assembly Rule IV, §9 expressly states:

“On or before December fifteenth in each year each standing committee shall make a report to the Speaker of the Assembly of its activities together with its legislative proposals.” (underlining added).

The “News”/“Updates” webpage for the Committee on Ethics and Guidance, <http://nyassembly.gov/comm/?sec=post&id=16>, posts a single item – a June 2, 2009 notice of a public hearing to be held on June 9, 2009. There is nothing else – and NO annual reports, either full or redacted.

Upon information and belief, Assembly Rule IV, §9 has been unchanged for many years. Therefore, for just as long, the Committee was required to render annual reports to the Speaker – and I request copies, pursuant to Assembly Rule VIII “Public Access to Records”. If you have none, please so state.

As NOTHING in Assembly Rule IV, entitled “Committees”, exempts the Committee on Ethics and Guidance from the mandate of Rule IV pertaining to meetings (§2), or hearings (§4), or even consideration of bills (§§5, 6, 7, 8), the Committee should have had much to report to the Speaker. And reinforcing the kind of substantive work it is empowered and directed to do by Rule IV is §1(d), which reads:

“All standing committees shall operate on an annual basis and their jurisdiction shall include, but not be limited to, the subject matter of each bill or resolution referred to them by the Speaker. Each standing committee shall propose legislative action and conduct such studies and investigations as may relate to matter within their jurisdiction. Each standing committee shall, furthermore, devote substantial efforts to the oversight and analysis of the activities, including but not limited to the implementation and administration of programs, of departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within its jurisdiction. After adjournment sine die of the Legislature in an odd numbered year, standing committees may consider and act on pre-filed bills and bills carried over pursuant to subdivision f of section two of Rule III and may report such bills to the order of second reading for consideration by the Assembly at the next succeeding regular legislative session.” (underlining added).

Suffice to further note that the ONLY reference to the Committee on Ethics and Guidance in the Assembly Rules is in Rule IV, as follows:

- Rule IV, §1(a): identifying the Committee on Ethics and Guidance as a standing committee with eight members;
- Rule IV, §1(b): specifying its membership as “an equal number of majority and minority members”; and
- Rule IV, §13, entitled “Ethics training”, which states:

“The Standing Committee on Ethics and Guidance shall develop and regularly update a course of instruction for all members and employees of the Assembly with regard to the laws and policies governing their conduct. The committee shall recommend to the Speaker an ethics training plan for implementing and scheduling such course of instruction.” (underlining added).

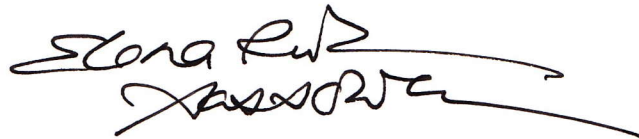
Therefore, and assuming Assembly Rule IV to be materially unchanged from 2014, 2015, and 2016 – if not from 2009 – request is additionally made for:

- (1) the written agendas for all meetings held by the Committee on Ethics and Guidance in those three years – and thus far this year;
- (2) records relating to any hearings held by the Committee on Ethics and Guidance since the June 2, 2009 posted notice;

- (3) records reflecting referral to the Committee of any bills, resolutions, or constitutional amendments;
- (4) records establishing compliance with Assembly Rule IV, §13, *to wit*, the “course of instruction for all members and employees of the Assembly with regard to the laws and policies governing their conduct” that the Committee on Ethics and Guidance “develop[ed] and regularly updat[ed]”, as well as the plans it recommended to the Speaker “for implementing and scheduling such course of instruction.”

In the event the Committee’s membership is not reflected by the above-requested records – including the names of the Committee’s chair and ranking member who, since 2009, have collected additional pay pursuant to Legislative Law §5-a – please furnish records identifying their names.

Thank you.

A handwritten signature in black ink, appearing to read "Jane Feldman", with a long horizontal flourish extending to the right.

cc: Assembly Office of Ethics and Compliance
Jane Feldman, Executive Director