

**NEW YORK STATE LEGISLATIVE ETHICS  
COMMISSION**

**ANNUAL REPORT  
2019**

**Co-chairs**

**Senator Neil D. Breslin  
Assemblymember Aravella Simotas**

**Members**

**Senator Andrew J. Lanza  
Assemblymember Michael Montesano  
John M. Brickman, Esq.  
Peter V. Coffey, Esq.  
Ellen B. Holtzman, Esq.  
Mr. John J. Nigro**

**[legethics.ny.gov](http://legethics.ny.gov)**

# **Legislative Ethics Commission**

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## **Website**

**[legethics.ny.gov](http://legethics.ny.gov)**

## Legislative Ethics Commission

The Legislative Ethics Commission (LEC) 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, subsequent appointments are four year terms. The legislative appointees of the majority conferences serve as the Commission's co-chairs.

For 2019, members of the Commission were:

- Senator Neil D. Breslin (44<sup>th</sup> Senate District, parts of Albany and Rensselaer Counties)
- Assemblymember Aravella Simotas (36<sup>th</sup> Assembly District, part of Queens County)
- Senator Andrew J. Lanza, (24<sup>th</sup> Senate District, part of Richmond County)
- Assemblymember Michael Montesano (15<sup>th</sup> Assembly District, part of Nassau County)
- John M. Brickman, Esq. appointed by the Speaker of the Assembly
- Peter V. Coffey, Esq., appointed by the Assembly Minority Leader
- Ellen B. Holtzman, Esq., appointed by the Temporary President of the Senate
- Mr. John Nigro, appointed by the Senate Minority Leader

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). Chapter 399 provided that investigations of violations of Public Officers Law §§ 73, 73-a and 74 by legislators and legislative employees are to be conducted by the Joint Commission on Public Ethics. The LEC has jurisdiction to impose penalties for violations of Public Officers Law by legislative members and staff after receiving substantial basis investigation reports from JCOPE.

The Legislative Ethics Commission issues advisory opinions to legislators and legislative employees and receives and reviews financial disclosure statements of legislators, legislative staff and candidates for legislative office for filing with the LEC and JCOPE. In addition, the LEC responds to informal requests for guidance and maintains a public website.

The Commission is also required to develop educational materials and ethics training in conjunction with and at the request of the Legislature.

## **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 [legethics.ny.gov](http://legethics.ny.gov). Information on the website includes relevant statutes, bylaws, rules of the Commission, including the procedure for filing a complaint with JCOPE, 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 2019, the Commission met on the following dates:

February 27, 2019  
April 30, 2019  
May 31, 2019  
July 25, 2019  
August 1, 2019  
October 17, 2019  
October 24, 2019  
December 30, 2019

## **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 (\$97,448 annually during 2019), 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. Legislative members and staff may file amendments to their Annual Statements of Financial Disclosure 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:

	2017	2018	2019
Legislative Members	211	209	212
Employees-File Rate	215	217	195
Employees-Designated Policy Makers	282	253	305
Candidates for Legislative Office	7	273	3
<b>Total</b>	<b>715</b>	<b>952</b>	<b>715</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.

\*Legislators who filed in May in their legislative capacities do not need to refile the same information if they seek reelection.

## **Public Inspection**

Completed Annual Statements of Financial Disclosure filed through calendar year 2010 are available for public inspection at the Commission offices or upon request. Categories of value for those years are redacted pursuant to Public Officers Law §80. 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 a statement by mail, fax or e-mail.

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 opportunities, board positions, military service, and reporting income on statements of financial disclosure. 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 2016, the Legislative Ethics Commission referred all parties who wished to file a complaint to JCOPE.

Pursuant to Legislative Law §80(11), the LEC will refer a matter for which the commission has a “reasonable basis to believe” that a person subject to another state oversight body may have violated section seventy-three or seventy-four of the Public Officers Law.

## **Settlement Agreements**

The Legislative Ethics Commission, together with the Joint Commission on Public Ethics, entered into five settlement agreements:

### **JCOPE No. 16-038: IN THE MATTER OF MARK PAENEPINTO, Former Senator- 2/7/19**

Mr. Panepinto, a former senator, admitted to violating Public Officers Law §74(3)(d) and (h) for making unwanted verbal and physical sexual advances towards a staff member and agreed to pay ten thousand dollars (\$10,000)

<https://legethics.ny.gov/sites/default/files/documents/files/Former%20Senator%20Marc%20Panepinto%20Settlement%20Agreement.pdf>

### **JCOPE No. 17-07: IN THE MATTER OF CHRISROPHER P. SAVAGE, FORMER ACTING CHIEF OF STAFF TO SENATOR MARK PANEPINTO - 8/15/19**

Mr. Savage, former acting chief of staff to Mr. Panepinto admitted to violating Public Officers Law §74(3)(h) by, at Panepinto’s direction, trying to dissuade a victim of the former senator’s behavior from cooperating with JCOPE’s investigation.

<https://legethics.ny.gov/sites/default/files/documents/files/2019-07-29%20Savage%20settlement%20Full%20Executed%200.pdf>

JCOPE No. 16-043: IN THE MATTER OF ANGELA WOZNIAK, Former Assemblymember -8/15/19

Ms. Wozniak admitted she violated Public Officers Law §74(3)(h) by making personnel decisions related to an employee after having engaged in a brief consensual sexual relationship with him.

<https://legethics.ny.gov/sites/default/files/documents/files/2019-08-14%20Executed%20Settlement.pdf>

Substantial Basis Investigation Reports and Settlement Agreements

JCOPE No. 18-212: IN THE MATTER OF ROBERT PORTER-4/23/19

Mr. Porter, a candidate for New York State Assembly, knowingly and willfully failed to file an accurate and complete 2017 Financial Disclosure Statement in violation of Public Officers Law §73-a. He agreed to pay one hundred dollars (\$100.00) in settlement of the violation.

JCOPE No. 18-210: IN THE MATTER OF BRANDON WASHINGTON-4/23/19

Mr. Washington, a candidate for New York State Assembly, knowingly and willfully failed to file an accurate and complete 2017 Financial Disclosure Statement in violation of Public Officers Law §73-a. He agreed to pay one hundred dollars (\$100.00) in settlement of the violation.

## **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 an initial two-hour comprehensive ethics training course with subsequent ninety minute training programs at least once every three years. 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. Legislators and all legislative employees, including those that are not policy makers, complete training at least every two years pursuant to legislative policy.

All legislators have completed required ethics training within the last year, with the exception of one member who has received an extension due to health issues. The vast majority of legislative employees, over ninety-five percent overall, have completed ethics training and are in compliance with statutory training requirements. (Executive Law §94(10)) LEC staff provided twenty-nine formal training sessions in conjunction with the legislature in 2019.

The LEC has also fully implemented the online ethics orientation course, which all new employees are required to complete within three months of being hired. Nearly 700 employees completed online orientation training in 2019.