



January 13, 2015

BY FAX AND FIRST CLASS MAIL

Honorable Andrew Cuomo
Governor
State of New York
Executive Chamber
Capitol Building
Albany, New York 12224

Honorable Brian Kolb
Minority Leader
New York State Assembly
Legislative Office Building, Room 933
Albany, New York 12248

Honorable Sheldon Silver
Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Honorable Dean Skelos
Majority Leader
New York State Senate
Legislative Office Building, Room 909
Albany, New York 12247

Honorable Andrea Stewart-Cousins
Democratic Conference Leader
New York State Senate
Legislative Office Building, Room 907
Albany, New York 12247

Re: Failure to Appoint the Commission to Review Work of JCOPE and the LEC

Dear Governor and Legislative Leaders:

As you know, Section 21 of Part A of Chapter 399 of the Laws of 2011 mandates the establishment of a Review Commission of eight members to review and evaluate the activities and performance of the Joint Commission on Public Ethics and the Legislative Ethics Commission. The Review Commission is also charged with making legislative and administrative recommendations to the Governor and the legislature for strengthening the administration and enforcement of ethics laws in New York State. The text of that legal mandate is set forth in the footnote.¹ Section 21 specifies, among other things, that those appointments

¹ “No later than June 1, 2014, the governor and the legislative leaders shall jointly appoint a review commission to review and evaluate the activities and performance of the joint commission on public ethics and the legislative ethics commission in implementing the provisions of this act. On or before March 1, 2015, the review commission shall report to the governor and the legislature on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the ethics law in New York state. The review commission shall be comprised of eight members and the governor and the legislative leaders shall jointly designate a chair from among the members.”

were to be made jointly by the Governor and the Legislative Leaders no later than June 1, 2014. Unfortunately, those appointments have yet to be made by you as the collective appointing authority.

The New York City Bar Association wrote to each of you on July 9, 2014 – nearly six months ago – noting that the timetable set by Section 21 had passed and calling for the statutory appointments to the Review Commission to be made promptly. As of this date, the Association has not received any response to that communication.

Consistent with the New York City Bar Association’s July 9, 2014 letter, and in light of your failure to respond, the Association and Common Cause New York now again call for appointments to be made by the Governor and the legislative leaders as the appointing authority.² It is in the interests of the State for you to fulfill the mandatory duties imposed by Section 21 of Part A of Chapter 399 of Laws of 2011 not only to further the cause of government integrity but also to end the vulnerability to litigation over your failure to appoint.

The fresh start of the new legislative session affords the ideal time to appoint the members of the Review Commission, and we urge that such action take place promptly. In all events, a joint response to this demand would be greatly appreciated.

Respectfully submitted.



Susan Lerner
Executive Director Common Cause New York



Benton J. Campbell
Chair, Committee on Government Ethics
New York City Bar Association

cc: Attorney General: Eric. T. Schneiderman
Counsel to the Governor: Seth Agata, Esq.
Counsel to the Speaker of the Assembly: James Yates, Esq.
Counsel to the Assembly Minority Leader: Heather Mogan, Esq.
Counsel to the Senate Majority Leader: Elizabeth Garvey, Esq.
Counsel to the Senate Minority Leader: Shontell Smith, Esq.

² In March 2014, the New York City Bar Association and Common Cause New York issued a report entitled “Hope for JCOPE” (available at <http://www2.nycbar.org/pdf/report/uploads/Hope-for-JCOPE-Report.pdf>). The report made recommendations for administrative and legislative actions needed to make JCOPE adequate to the important task of insuring high ethical practices in State government and the full and consistent disclosure of lobbying expenditures.