

COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT

RESOLUTION 22-01

WHEREAS, the Commission on Ethics and Lobbying in Government (hereinafter, "Commission") is authorized by Executive Law §94(6)(b) to delegate authority to the Executive Director to act in the name of the Commission between meetings of the Commission provided such delegation is in writing and the specific powers to be delegated do not require a vote of the Commission and are enumerated,

WHEREAS, pursuant to Executive Law §94(9), the Commission shall not delegate any decisions that require a vote of the Commission, and

WHEREAS, the Commission has determined that it is necessary and appropriate to delegate certain authority to the Executive Director to provide for the day-to-day administration of Commission operations,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Commission delegates authority to Sanford N. Berland, acting in the capacity of Executive Director of the Commission on an interim basis, the specific powers and duties enumerated below:

- 1) Pursuant to Executive Law §94(6)(d), the authority to appoint staff as necessary to carry out the responsibilities of the Commission, consistent with the interim staffing plan reviewed and approved by the Commission pursuant to Executive Law §94(6)(c)-(f);
- 2) Pursuant to Executive Law §94(9)(b), to make available forms for annual statements of financial disclosure required to be filed pursuant to public officers law section seventy-three-a;
- 3) Pursuant to Executive Law §94(9)(c)-(e), to review financial disclosure statements in accordance with the provisions of Executive Law §94;
- 4) Pursuant to Executive Law §94(10), to receive complaints and referrals alleging violations of Public Officers Law §§73, 73-a, 74; Legislative Law Art. 1-A; and Civil Service Law §107;

- 5) Pursuant to Executive Law §94(9)(h), to permit the deletion of certain information from an annual statement of financial disclosure when it is made available for public inspection and copying, subject to the conditions and notifications contained therein;
- 6) Pursuant to Executive Law §94(9)(i), to permit an exemption from reporting on an annual statement of financial disclosure certain information pertaining to the required filer's spouse or unemancipated children, subject to the conditions and notifications contained therein;
- 7) Pursuant to Executive Law §94(9)(j), to permit any person required to file a financial disclosure statement to request an exemption from any requirement to report the identity of a client pursuant to question 8(b) based upon an exemption set forth in that question;
- 8) Pursuant to Executive Law §94(9)(k), to permit any person who has not been determined by his or her appointing authority to hold a policy-making position, but who is otherwise required to file a financial disclosure statement, to request an exemption from such filing in accordance with rules and regulations governing such exemptions;
- 9) Pursuant to Executive Law §94(12)(a) and Legislative Law §1-d(g), prepare an annual report to the governor and the legislature as set forth therein;
- 10) Pursuant to Executive Law §94(9)(d), promulgate guidelines for the Commission to conduct a program of random reviews of annual statements of financial disclosure and conduct preliminary examinations of such statements subject to the conditions set forth therein and subject to a final determination by the Commission as set forth therein;
- 11) Pursuant to Executive Law §94(8), and Legislative Law 1-d(h), prepare materials and design and administer an ethics training program subject to the requirements and conditions set forth therein;
- 12) Pursuant to Executive Law §94(9)(e), to inspect all financial disclosure statements filed with the Commission subject to the conditions set forth therein;
- 13) Pursuant to Executive Law §94(9)(f), to notify a reporting person in writing if they have failed to file or filed a deficient statement subject to the conditions set forth therein;

- 14) Pursuant to Executive Law §94(10) and Legislative Law §1-o, to enter into settlement negotiations and agreements, prior to hearing, with respect to any case subject to civil penalty by the Commission, provided such settlement agreements are presented to the Commission for review and ratification prior to settlement;
- 15) Pursuant to Executive Law §94(7) and Legislative Law §1-d(f), to issue informal letter opinions when the response to an inquiry is based solely on Commission precedent;
- 16) Pursuant to Executive Law §94(10)(c), to administer oaths or affirmations, and, provided the Executive Director first notify the Chair of the Commission and pursuant to regulations adopted by the Commission pursuant to the state administrative procedure act, to subpoena witnesses, compel their attendance and require the production of any books or records which the Executive Director may deem relevant or material to conduct any investigation necessary to carry out its functions, powers and duties under Executive Law §94;
- 17) Pursuant to Executive Law §94(13) and Legislative Law 1-s, to create and thereafter maintain a publicly accessible website subject to the conditions set forth therein;
- 18) Pursuant to Legislative Law §1-d, with respect to the lobbying-related functions, to conduct a program of random audits subject to the conditions set forth therein, and have the powers and duties to implement such program as set forth therein subject to a final determination by the Commission as set forth therein;
- 19) Pursuant to Legislative Law §1-p, to review all statements and reports of individuals subject to the Commission's jurisdiction;
- 20) Pursuant to Legislative Law §§1-e(e), 1-h(c)(3), 1-i(c)(3), and 1-j(c)(3), to impose a fee for late statements and reports by lobbyists, clients or public corporations provided such assessments are based on a fee schedule previously approved by the Commission, and as may be amended by the Commission in the future;
- 21) Pursuant to Public Officers Law §73(8)(b), to render decisions granting or denying applications for exemptions from the two-year bar;

- 22) To distribute and collect a spousal affidavit from any state officer or employee required to file an annual statement of financial disclosure who is unable to report certain spousal information because of the limited circumstance when such information has not been made available to the filer;
- 23) All other powers and duties set forth in Executive Law §94 and Legislative Law Article 1-A which do not require a vote of the Commission; and
- 24) The Executive Director is authorized to perform any and all tasks necessary and proper to fully effectuate the intentions of this resolution.

Approved: Frederick A. Davie
Chair

Leonard B. Austin

Michael A. Cardozo

Edward D. Carni

Claudia L. Edwards

Nancy G. Groenwegen

Seymour W. James, Jr

Dated: September 12, 2022