



Code of Conduct for Members

of the New York State Joint Commission on Public Ethics

Preamble:

The New York State Joint Commission on Public Ethics hereby adopts this Code of Conduct to assist the members in conforming to the highest possible standards of public service to the People of the State of New York. As the New York Legislature expressed in enacting Public Officers Law §74:

“Government is and should be representative of all the people who elect it, and some conflict of interest is inherent in any representative form of government. Some conflicts of material interests which are improper for public officials may be prohibited by legislation. Others may arise in so many different forms and under such a variety of circumstances, that it would be unwise and unjust to proscribe them by statute with inflexible and penal sanctions which would limit public service to the very wealthy or the very poor. For matters of such complexity and close distinctions, the legislature finds that a code of ethics is desirable to set forth for the guidance of state officers and employees the general standards of conduct to be reasonably expected of them.”

In this spirit, the New York State Joint Commission on Public Ethics provides the following internal code of conduct to guide the members of the Commission in the performance of their official duties.

Conflicts of Interest:

The responsibilities of the Commission can only be fulfilled if its activities are undertaken in accordance with the requirements and spirit of Public Officer’s Law §§ 73(3)(b), 73-a and 74.

No member shall receive or enter into any agreement, express or implied, directly or indirectly, for any compensation, in any form, for the appearance or rendition of services by the member or another in relation to any matter before the Commission.

No member shall receive or enter into any agreement, express or implied, directly or indirectly, for any compensation, in any form, for the appearance or rendition of services by the member or another against the interest of the Commission in relation to any case, proceeding, application, or matter before any adjudicative body.

No member shall be in any way or any manner interested, directly or indirectly, in any

contract made by the Commission.

No member shall, as provided by §74(2), have any interest, financial or otherwise, direct or indirect, or engage in any outside activity which is in substantial conflict with the proper discharge of his or her duties as a Commission member.

Recusal:

Members should recuse themselves from Commission deliberations or votes on matters relating to any organization, entity or individual where their impartiality in the deliberation or vote might be reasonably questioned.

Members should review on an ongoing basis for potential conflicts, their employment and other associations and relationships, abide by the Commission's recusal policy and procedures and seek guidance in accordance with those procedures when necessary and appropriate. (See Addendum - Recusal Policy)

Gifts and Special Treatment:

No member shall directly or indirectly, solicit, accept or receive any gift whether in the form of money, service, loan, travel, entertainment, hospitality or promise under circumstances in which it could be reasonably inferred that the gift was intended to influence the member or could be reasonably inferred was intended as a reward for any official action on the member's part.

No member shall use, attempt to use, or create the reasonable impression of an attempt to use his or her official position to secure unwarranted special treatment or privileges for himself or herself or others.

Confidential Information:

Members should at all times make efforts to protect the confidentiality of Commission activities and avoid the unauthorized disclosure of information obtained through their work in accordance with the requirements of Executive Law §94(9-a). Members who intentionally and without authorization release confidential information shall be guilty of a class A misdemeanor. In addition, violations of Public Officers Law §§74(3)(b) and (c) regarding disclosure of confidential information shall be subject to a civil penalty in an amount not to exceed \$10,000 plus the value of any gift or benefit received as a result of such violation.

Post-Commission Policies

No member shall, within a period of two years after leaving the Commission, appear or practice before the Commission or receive any compensation for any services rendered on

behalf of any person, firm, corporation, or association in relation to any matter before the Commission.

No member, after leaving the Commission, shall at any time appear, practice, communicate or otherwise render services before any State agency or receive any compensation for services rendered on behalf of any person, firm, corporation or other entity with respect to any case, proceeding, application or transaction in which such member was directly concerned and in which the member personally participated during the member's term with the Commission.

Application of Guidelines:

A Subcommittee of the Commission, appointed by the Commission, shall assist the Chair or a designee of the Chair in providing advice concerning these guidelines as requested by a member.

Amendment of Guidelines:

The Commission may amend these guidelines from time to time.