

STATE OF NEW YORK STATE ETHICS COMMISSION

Advisory Opinion No. 90-20: Extension of Advisory Opinion No. 90-8.

In Advisory Opinion No. 90-8, dated June 21, 1990, the State Ethics Commission ("Commission") suspended enforcement, until September 15, 1990, of the two-year bar contained in §73(8) of the Public Officers Law as it affects students (defined therein and repeated below) who serve or have served in positions with State agencies. That Opinion continued the application of the lifetime bar of §73(8) to students.

Subdivision 8 of §73 of the Public Officers Law provides restrictions on post-employment activities by former State officers and employees. That subdivision establishes a two-year absolute bar on appearing, practicing or rendering services for compensation on behalf of any person, firm, corporation or association in relation to any case, proceeding or application or other matter before the former State agency which employed the former State officer or employee. In addition, the subdivision creates a lifetime bar against appearing, practicing, communicating or rendering services before any State agency or receiving compensation for any such services rendered on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he personally participated during his period of service or employment, or which was under his or her active consideration.

For purposes of Advisory Opinion No. 90-8 and this Advisory Opinion, when the Commission refers to "students" it includes only those individuals

- who are matriculated as full-time students at an institution of higher education;
- who attend classes during at least two semesters during the calendar year; and,
- who perform services with the State on less than a half-time basis during the academic year or on a full-time basis for no more than the summer break or other breaks between semesters, and, as a result of such part-time status, receive no fringe benefits such as vacation or sick leave, health insurance or retirement benefits.

Pending continued review and final resolution of the question, the Commission hereby extends the suspension of the two-year bar of §73(8) until January 15, 1991.

This Opinion, until and unless amended or revoked, is binding on the Commission in any subsequent proceeding.

All concur:

Elizabeth D. Moore, Chair

Angelo A. Costanza

Norman Lamm, Members

Dated: September 13, 1990