

In the Matter of John J. O'Connor,

Respondent.

DECISION & ORDER

Alleged Violations of Public Officers Law §§74(3)(d),
(f), and (h).

On January 29, 2009, the Commission on Public Integrity (“COPI”) commenced its investigation of John J. O’Connor, Former President of the SUNY Research Foundation (“RF”), alleging violations of the Public Officers Law by sending him a “15-day letter” pursuant to Executive Law §94(12)(a). On January 6, 2010, COPI sent O’Connor a superseding “15-day letter” limiting its allegations to actions after April 25, 2007, the enactment of PEERA.

On May 11, 2011, COPI issued a Notice Of Reasonable Cause (“NORC”) alleging that there was reasonable cause to believe that O’Connor knowingly and intentionally violated Public Officers Law §§74(3)(d), (f), and (h) when he allowed Susan Bruno to receive compensation as a RF employee for little or no work, or commonly referred to as a “no-show job,” which was an unwarranted privilege conferred upon Ms. Bruno. In June 2011, O’Connor resigned from his position as President of the SUNY Research Foundation.

On August 15, 2011 the Public Integrity Reform Act of 2011 (“PIRA”) created the Joint Commission on Public Ethics (“Commission”) to replace COPI and expressly provided that the Commission shall continue the authority of COPI. The Commission commenced operation in December 2011. At that time, this matter was on hold pending resolution of litigation over whether O’Connor could be compelled to testify before the Commission.

On September 3, 2013, the Court of Appeals denied O’Connor’s motion for leave to appeal the Appellate Division’s decision to require O’Connor to testify before the Commission. See Matter of O’Connor v. Ginsberg, 21 N.Y.3d 864 (2013). On November 4, 2013, the Commission took the testimony of O’Connor under oath.

In the interim, on or about July 30, 2013, the Office of the Attorney General of the State of New York filed a complaint against Susan Bruno and John O’Connor alleging various violations of the False Claims Act and common law fraud based on the submission of false and fraudulent monthly time records. As previously discussed with counsel for O’Connor, in light of O’Connor’s agreement to resolve satisfactorily the litigation with the Office of the Attorney

General pursuant to which the RF will receive \$84,121 and the fact that O'Connor is no longer in State service, the Commission will take no further action in this matter.

Approved: Daniel J. Horwitz
Chair

David Arroyo
Hon. Joseph Covello
Marvin E. Jacob
Seymour Knox, IV
Gary J. Lavine
Hon. Mary Lou Rath
Michael A. Romeo, Sr.
Hon. Renee R. Roth
George H. Weissman
Members

Abstained: Dawn L. Smalls
Member

Absent: David A. Renzi
Michael K. Rozen
Members

DATED: May 27, 2015