

47 Section 1. This act shall be known and may be cited as the "ethics  
48 commission reform act of 2022".

49 § 2. Section 94 of the executive law is REPEALED and a new section 94  
50 is added to read as follows:

51 § 94. Commission on ethics and lobbying in government. 1. (a)  
52 Commission established. There is hereby established within the depart-  
53 ment of state, a commission on ethics and lobbying in government, an  
54 agency responsible for administering, enforcing, and interpreting New

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1 York state's ethics and lobbying laws. The commission shall have and  
2 exercise the powers and duties set forth in this section with respect to  
3 statewide elected officials, members of the legislature and employees of  
4 the legislature, and state officers and employees as defined in sections  
5 seventy-three, seventy-three-a, and seventy-four of the public officers  
6 law, candidates for statewide elected office and for the senate or  
7 assembly, and the political party chair as is defined in section seven-  
8 ty-three of the public officers law, lobbyists and the clients of lobby-  
9 ists as defined in section one-c of the legislative law, and individuals  
10 who have formerly held such positions, were lobbyists or clients of  
11 lobbyists as defined in section one-c of the legislative law, or who  
12 have formerly been such candidates.

13 (b) The commission shall provide for the transfer, assumption or other  
14 disposition of the records, property, and personnel affected by this  
15 section, and it is further provided, should any employees be transferred  
16 from the joint commission on public ethics ("JCOPE"), the predecessor  
17 ethics agency, to the commission, that such transfer will be without  
18 further examination or qualification and such employees shall retain  
19 their respective civil service classifications, status and collective  
20 bargaining agreements.

21 (c) The commission shall review any pending inquiries or matters  
22 affected by this section and shall establish policies to address them.

23 (d) The commission shall undertake a comprehensive review of all regu-  
24 lations in effect upon the effective date of this section; and review of  
25 all advisory opinions of predecessor ethics agencies, including JCOPE,  
26 the legislative ethics commission, the commission on public integrity,  
27 the state ethics commission, and the temporary lobbying commission,  
28 which will address the consistency of such regulations and advisory  
29 opinions among each other and with the new statutory language, and of  
30 the effectiveness of the existing laws, regulations, guidance and ethics  
31 enforcement structure.

32 (e) This section shall not be deemed to have revoked or rescinded any  
33 regulations or advisory opinions in effect on the effective date of this  
34 section that were issued by predecessor ethics and lobbying bodies. The  
35 commission shall cooperate, consult, and coordinate with the legislative  
36 ethics commission, to the extent possible, to administer and enforce the  
37 laws under its jurisdiction.

38 (f) The annual budget submitted by the governor shall separately state  
39 the recommended appropriations for the commission on ethics and lobbying  
40 in government. Upon enactment, these separately stated appropriations  
41 for the commission on ethics and lobbying in government shall not be  
42 decreased by interchange with any other appropriation, notwithstanding  
43 section fifty-one of the state finance law.

44 2. Definitions. For the purposes of this section, the following terms  
45 shall have the following meanings:

46 (a) "commission" means the commission on ethics and lobbying in  
47 government established pursuant to subdivision one of this section.

48 (b) "selection members" means the governor, speaker of the assembly,  
49 temporary president of the senate, minority leader of the senate, minor-  
50 ity leader of the assembly, comptroller, and the attorney general.

51 (c) "independent review committee" means the committee of the Ameri-  
52 can Bar Association accredited New York state law school deans or inter-  
53 im deans, or their designee who is an associate dean of their respective  
54 law school, tasked with reviewing, approving, or denying the members of  
55 the commission as nominated by the selection members and other tasks  
56 pursuant to this section.

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1 (d) "respondent" means the individual or individuals or organization  
2 or organizations subject to an inquiry, investigation, or enforcement  
3 action.

4 (e) "victim" means any individual that has suffered or alleged to have  
5 suffered direct harm from any violation of law that is subject to inves-  
6 tigation under the jurisdiction of the commission.

7 3. Nomination and appointment of the commission. (a) The commission  
8 shall consist of eleven members, to be nominated by the selection  
9 members as follows: three members by the governor; two members by the  
10 temporary president of the senate; one member by the minority leader of  
11 the senate; two members by the speaker of the assembly; one member by  
12 the minority leader of the assembly; one member by the attorney general;  
13 and one member by the comptroller.

14 (b) The independent review committee shall within thirty days review  
15 the qualifications of the nominated candidates and approve or deny each  
16 candidate nominated by their respective selection member.

17 (c) The independent review committee shall publish on its website a  
18 procedure by which it will review the qualifications of the nominated  
19 candidate and approve or deny each candidate.

20 (d) Those candidates that the independent review committee deems to  
21 meet the qualifications necessary for the services required based on  
22 their background and expertise that relate to the candidate's potential  
23 service on the commission shall be appointed as a commission member. The  
24 nominating selection member shall nominate a new candidate for those  
25 that are denied by the independent review committee.

26 (e) No individual shall be eligible for nomination and appointment as  
27 a member of the commission who is currently, or has within the last two  
28 years:

29 (i) been registered as a lobbyist in New York state;

30 (ii) been a member or employee of the New York state legislature, a  
31 statewide elected official, or a commissioner of an executive agency  
32 appointed by the governor;

33 (iii) been a political party chair, as defined in section seventy-  
34 three of the public officers law; or

35 (iv) been a state officer or employee as defined in section seventy-  
36 three of the public officers law.

37 (f) The independent review committee shall convene as needed or as  
38 requested by the selection members. The chair of the independent review  
39 committee shall be elected from the members of the independent review  
40 committee.

41 (g) Appropriate staffing and other resources shall be provided for in  
42 the commission's budget for the independent review committee to carry  
43 out its powers, functions, and duties. The independent review committee  
44 shall publish on the commission's website a procedure by which it will  
45 review and select the commission members and other processes to effectuate  
46 its responsibilities under this section.

47 (h) The majority of the independent review committee shall constitute  
48 a quorum to hold a meeting and conduct official business.

49 (i) During the pendency of the review and approval or denial of the  
50 candidates, the independent review committee shall be subject to and  
51 maintain confidentiality in all independent review committee processes,  
52 reviews, analyses, approvals, and denials. A member of the independent  
53 review committee may be removed by majority vote of the committee for  
54 substantial neglect of duty, misconduct, violation of the confidentiali-

1 powers or duties of the committee or violation of this section, after  
2 written notice and opportunity for a reply.

3 (j) Upon the receipt of the selection members' appointments, members  
4 of the independent review committee shall disclose to the independent  
5 review committee any personal, professional, financial, or other direct  
6 or indirect relationships a member of the independent review committee  
7 may have with an appointee. If the independent review committee deter-  
8 mines a conflict of interest exists, such independent review committee  
9 member shall, in writing, notify the other members of the independent  
10 review committee of the possible conflict. The member may recuse them-  
11 self from all subsequent involvement in the consideration of and action  
12 upon the appointment. If, after disclosure, the member does not recuse  
13 themselves from the matter, the independent review committee, by majority  
14 vote finding the disclosed information creates a substantial conflict of  
15 interest, may remove the conflicted member from further consideration of  
16 and action upon the appointment.

17 (k) Notwithstanding the provisions of article seven of the public  
18 officers law, no meeting or proceeding of the independent review commit-  
19 tee shall be open to the public, except the applicable records pertain-  
20 ing to the review and selection process for a member's seat shall be  
21 subject to disclosure pursuant to article six of the public officers law  
22 only after an individual member is appointed to the commission.  
23 Requests for such records shall be made to, and processed by, the  
24 commission's records access officer.

25 (l) The independent review committee shall neither be public officers  
26 nor be subject to the requirements of the public officers law.

27 (m) Notwithstanding subdivision (l) of this section, the independent  
28 review committee members shall be entitled to representation, indemnifi-  
29 cation, and to be held harmless to the same extent as any other person  
30 employed in service of the state and entitled to such coverage under  
31 sections seventeen and nineteen of the public officers law, provided  
32 however, that any independent review committee member removed due to a  
33 violation of paragraph (i) of this subdivision shall not qualify for  
34 such entitlements.

35 4. Commission. (a) The first class of members of the commission shall  
36 serve staggered terms to ensure continuity. For the first class of the  
37 commission, five members shall serve a term of four years, three  
38 members shall serve a term of two years, and one member shall serve a  
39 term of one year. All subsequent members shall serve a term of four  
40 years. No member shall be selected to the commission for more  
41 than two full consecutive terms, except that a member who has held the  
42 position by filling a vacancy can only be selected to the commission  
43 for an additional two full consecutive terms.

44 (b) The commission by majority vote shall elect a chairperson from  
45 among its members for a term of two years. A chairperson may be elected  
46 to no more than two terms for such office.

47 (c) Members of the commission may be removed by majority vote of the  
48 commission for substantial neglect of duty, misconduct in office,  
49 violation of the confidentiality restrictions set forth in this  
50 section, inability to discharge the powers or duties of office or  
51 violation of this section, after written notice and opportunity for a  
52 reply.

53 (d) Any vacancy occurring on the commission shall be filled within  
54 thirty days of its occurrence in the same manner as a member is initial-  
55 ly selected to complete the vacant term.

1 (e) During the period of a member's service as a member of the commis-  
2 sion, the member shall refrain from making, or soliciting from other

3 persons, any contributions to candidates, political action committees,  
4 political parties or committees, newsletter funds, or political adver-  
5 tisements for election to the offices of governor, lieutenant gover-  
6 nor, member of the assembly or the senate, attorney general or state  
7 comptroller.

8 (f) Members of the commission shall receive a per diem allowance equal  
9 to the salary of a justice of the supreme court divided by two hundred  
10 twenty for each day or each pro-rated day actually spent in the perform-  
11 ance of the member's duties under this section, and, in addition there-  
12 to, shall be reimbursed for all reasonable expenses actually and neces-  
13 sarily incurred by the member in the performance of the member's duties  
14 under this section. For the purposes of this subdivision, a day shall  
15 consist of at least seven and one-half hours spent in the performance of  
16 the member's duties under this section.

17 (g) The commission shall meet at least quarterly and additionally as  
18 called by the chairperson, or upon the call of a majority of the members  
19 of the commission. The commission shall be subject to articles six and  
20 seven of the public officers law.

21 (h) A majority of the members of the commission shall constitute a  
22 quorum, and the commission shall have the power to act by majority vote  
23 of the total number of members of the commission without vacancy.

24 (i) The commission shall hold a public hearing at least once each  
25 calendar year to take testimony regarding the operation of the  
26 commission and solicit public input regarding potential or proposed  
27 changes in the laws under its jurisdiction.

28 5. Powers. (a) The commission has the authority to: (i) adopt, amend,  
29 and rescind any rules and regulations pertaining to section seventy-  
30 three, seventy-three-a or seventy-four of the public officers law,  
31 article one-A of the legislative law, or section one hundred seven of  
32 the civil service law; (ii) adopt, amend, and rescind any procedures of  
33 the commission, including but not limited to, procedures for advice and  
34 guidance, training, filing, review, and enforcement of financial disclo-  
35 sure statements, investigations, enforcement, and due process hearings;  
36 and (iii) develop and promulgate any programs for reviews, training, and  
37 guidance to carry out the commission's mission.

38 (b) The commission shall adopt and post on its website guidance docu-  
39 ments detailing the processes and procedures of an investigation,  
40 including the stages of an investigation; timelines, including the  
41 reasons for any potential delays in an investigation; the hearing and  
42 adjudication process; outcomes of an investigation; and, anything else  
43 the commission deems necessary to inform the public as well as relevant  
44 parties to an investigation including complainants, respondents,  
45 victims, if any, and witnesses as to such processes and procedures. The  
46 guidance documents shall delineate the processes and procedures that  
47 apply to the relevant parties, including, where applicable, the due  
48 process and any other rights or remedies that the relevant party may  
49 have under the commission's procedures or any other area of law. The  
50 guidance documents shall be provided to the relevant party of an inves-  
51 tigation upon such party's involvement in such investigation.

52 (c) The commission has the authority to compel the testimony of  
53 witnesses, and may administer oaths or affirmations, subpoena witnesses,  
54 compel their attendance and require the production of any books or  
55 records which it may deem relevant or material.

56 6. Executive director and commission staff. The commission shall:

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1 (a) (i) Appoint an executive director through a majority vote of the  
2 members of the commission, who shall act in accordance with the policies  
3 of the commission. The executive director shall be appointed without  
4 regard to political affiliation and solely on the basis of fitness to  
5 perform the duties assigned by this section, and meet the qualifications  
6 necessary for the services required based on their background and exper-

7 tise that relate to the candidate's potential service to the commission.  
8 No individual shall be eligible to be appointed as an executive director  
9 if the individual is currently, or within the last two years has been:

10 (1) registered as a lobbyist in New York state;

11 (2) a member or employee of the New York state legislature or a state-  
12 wide elected official, or a commissioner of an executive agency  
13 appointed by the governor; or

14 (3) a political party chair, as defined in section seventy-three of  
15 the public officers law.

16 (ii) The appointment and removal of the executive director shall be  
17 made by a majority vote of the commission.

18 (iii) The term of office of the executive director shall be four years  
19 from the date of appointment. The salary of the executive director shall  
20 be determined by the members of the commission based on experience.

21 (iv) The commission may remove the executive director for neglect of  
22 duty, misconduct in office, violation of the confidentiality  
23 restrictions in this section, or inability or failure to discharge the  
24 powers or duties of office, including the failure to follow the lawful  
25 instructions of the commission.

26 (b) The commission may delegate authority to the executive director to  
27 act in the name of the commission between meetings of the commission  
28 provided such delegation is in writing, the specific powers to be deleg-  
29 ated are enumerated, and the commission shall not delegate any decisions  
30 specified in this section that require a vote of the commission.

31 (c) The commission, through the executive director, shall establish  
32 units within the commission to carry out its duties, including, but not  
33 limited to, (i) an advice and guidance unit, (ii) a training unit, (iii)  
34 a financial disclosure unit, (iv) a lobbying unit, and (v) an investi-  
35 gations and enforcement unit.

36 (d) The commission, through the executive director, shall appoint such  
37 other staff as are necessary to carry out its duties under this section,  
38 including, but not limited to, a deputy director of an advice and guid-  
39 ance unit to provide timely confidential advice to persons subject to  
40 the commission's jurisdiction, a deputy director for training, a deputy  
41 director for investigations and enforcement, and a deputy director for  
42 lobbying.

43 (e) In addition to meeting the qualifications necessary for the  
44 services required for the position, the deputy director for investi-  
45 gations and enforcement shall have completed substantial training and  
46 have experience in trauma-informed approaches to investigations and  
47 enforcement. The deputy director for investigations and enforcement  
48 shall complete a minimum of four hours of training annually in trauma-  
49 informed approaches to investigations and enforcement. Such trainings  
50 may include, but not be limited to, the impact of trauma, first  
51 impression matters, victim interviews, investigative strategies, and  
52 alcohol and drug facilitated cases.

53 (f) The commission, through the executive director, shall review and  
54 approve a staffing plan provided and prepared by the executive director  
55 which shall contain, at a minimum, a list of the various units and divi-  
56 sions as well as the number of positions in each unit, titles and their

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1 duties, and salaries, as well as the various qualifications for each  
2 position.

3 7. Advice and guidance. (a) The commission shall establish a unit or  
4 units solely for ethics and lobbying guidance, and give such prompt,  
5 informal advice to persons whose conduct it oversees, except with  
6 respect to members of the legislature and legislative staff, who shall  
7 seek advice from the legislative ethics commission in the first  
8 instance.

9 (b) Persons receiving such informal advice may rely on that advice  
10 absent misrepresentation or omission of material facts to the commission

11 and such communications with the commission shall be treated as confi-  
12 dential, except as disclosure is needed to prevent or rectify a  
13 crime or fraud, or prevent a substantial threat to public health or  
14 safety or if required by court order.

15 (c) The commission may also render, on written request or on its own  
16 initiative, advisory opinions, and may allow for public comment before  
17 issuance of an advisory opinion. Such an opinion rendered by the  
18 commission shall be relied on by those subject to the commission's  
19 jurisdiction and until, or unless, amended, superseded, or revoked.  
20 Such opinion may also be relied upon by any such person, and may be  
21 introduced and shall be a defense, in any criminal or civil action.

22 8. Training. The commission shall establish a training unit and shall  
23 develop and administer an on-going program for the education and train-  
24 ing in ethics and lobbying for those subject to the provisions of this  
25 section, as follows:

26 (a) The commission shall develop and administer a comprehensive and  
27 interactive live-in person or live-online ethics training course and  
28 shall designate and train instructors to conduct such training. Such  
29 live course shall be designed to include practical application of the  
30 material covered and a question-and-answer participatory segment. Unless  
31 the commission grants an extension or waiver for good cause shown,  
32 statewide elected officials, members of the legislature and employees of  
33 the legislature, and state officers and employees as defined in sections  
34 seventy-three, seventy-three-a, and seventy-four of the public officers  
35 law, and the political party chair as is defined in section seventy-  
36 three of the public officers law, shall complete the live course within  
37 ninety days of appointment or employment and shall complete the live  
38 course every two years subsequently.

39 (b) The commission shall develop and administer an online ethics  
40 refresher course for all individuals listed under subparagraph (i) of  
41 this paragraph who have previously completed the live course. Such  
42 refresher course shall be designed to include any changes in law, regu-  
43 lation, or policy or in the interpretation thereof, and practical appli-  
44 cation of the material covered. Unless the commission grants an exten-  
45 sion or waiver for good cause shown, such individuals shall take such  
46 refresher course once every year after having completed the live course  
47 under paragraph (a) of this subdivision.

48 (c) The commission shall develop and administer an online live ques-  
49 tion and answer course for agency ethics officers.

50 (d) The commission shall develop and administer training courses for  
51 lobbyists and clients of lobbyists.

52 (e) The provisions of this subdivision shall be applicable to the  
53 legislature except to the extent that an ethics training program is  
54 otherwise established by the assembly and/or senate for their respective  
55 members and employees and such program meets or exceeds each of the  
56 requirements set forth in this subdivision.

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1 (f) On an annual basis, the commission, in coordination with the  
2 legislative ethics commission, shall determine the status of compliance  
3 with the training requirements under this subdivision by each state  
4 agency and by the senate and the assembly. Such determination shall  
5 include aggregate statistics regarding participation in such training  
6 and shall be reported on a quarterly basis to the governor and the  
7 legislature in writing.

8 9. Financial disclosure statements. (a) The commission may delegate  
9 all or part of review, inquiry and advice in this section to the staff  
10 under the supervision of the executive director.

11 (b) The commission shall make available forms for annual statements of  
12 financial disclosure required to be filed pursuant to section seven-  
13 ty-three-a of the public officers law.

14 (c) The commission shall review the financial disclosure statements of

15 the statewide elected officials and members of the legislature within  
16 sixty days of their filings to determine, among other things, deficien-  
17 cies and conflicts.

18 (d) The commission shall review on a random basis the financial  
19 disclosure statements for filers who are not statewide elected officials  
20 and members of the legislature.

21 (e) The commission shall review financial disclosure statements filed  
22 in accordance with the provisions of this section and (i) inquire  
23 into any disclosed conflict to recommend how best to address such  
24 conflict; and

25 (ii) ascertain whether any person subject to the reporting require-  
26 ments of section seventy-three-a of the public officers law has failed  
27 to file such a statement, has filed a deficient statement or has filed a  
28 statement which reveals a possible violation of section seventy-three,  
29 seventy-three-a or seventy-four of the public officers law.

30 (f) If a person required to file a financial disclosure statement with  
31 the commission has failed to file a disclosure statement or has filed a  
32 deficient statement, the commission shall notify the reporting person in  
33 writing, state the failure to file or detail the deficiency, provide the  
34 person with a fifteen-day period to cure the deficiency, and advise the  
35 person of the penalties for failure to comply with the reporting  
36 requirements. This first notice of deficiency shall be confidential. If  
37 the person fails to make such filing or fails to cure the deficiency  
38 within the specified time period, the commission shall send a notice of  
39 delinquency (i) to the reporting person; (ii) in the case of a statewide  
40 elected official, to the chief of staff or counsel to the statewide  
41 elected official; (iii) in the case of a member of the legislature or a  
42 legislative employee, to the temporary president of the senate and the  
43 speaker of the assembly; and (iv) in the case of a state officer,  
44 employee or board member, to the appointing authority for such person.  
45 Such notice of delinquency may be sent at any time during the reporting  
46 person's service as a statewide elected official, state officer or  
47 employee, member of the assembly or the senate, or a legislative employ-  
48 ee or a political party chair or while a candidate for statewide office,  
49 or within one year after termination of such service or candidacy. A  
50 copy of any notice of delinquency or report shall be included in the  
51 reporting person's file and be available for public inspection and  
52 copying pursuant to the provisions of this section. The jurisdiction of  
53 the commission, when acting pursuant to this subdivision with respect to  
54 financial disclosure, shall continue for two years notwithstanding that  
55 the reporting person separates from state service, or ceases to hold  
56 public or political party office, or ceases to be a candidate, provided

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1 the commission notifies such person of the alleged failure to file or  
2 deficient filing pursuant to this subdivision.

3 (g) The commission shall adopt a procedure whereby a person who is  
4 required to file an annual financial disclosure statement with the  
5 commission may request an additional period of time within which to  
6 file such statement, other than members of the legislature, candidates  
7 for members of the legislature and legislative employees, due to justi-  
8 fiable cause or undue hardship.

9 (h) The commission may permit any person who is required to file a  
10 financial disclosure statement with the commission to request that the  
11 commission delete from the copy thereof made available for public  
12 inspection and copying one or more items of information which may be  
13 deleted by the commission upon a finding by the commission that the  
14 information which would otherwise be required to be made available  
15 for public inspection and copying will have no material bearing on the  
16 discharge of the reporting person's official duties. If such request  
17 for deletion is denied, the commission, in its notification of denial,  
18 shall inform the person of their right to appeal the commission's

19 determination in a proceeding commenced against the commission, pursuant  
20 to article seventy-eight of the civil practice law and rules.

21 (i) The commission may permit any person who is required to file a  
22 financial disclosure statement with the commission to request an  
23 exemption from any requirement to report one or more items of infor-  
24 mation which pertain to such person's spouse, domestic partner, or  
25 unemancipated children which item or items may be exempted by the  
26 commission upon a finding by the commission that the reporting individ-  
27 ual's spouse, domestic partner, on their own behalf, or on behalf of an  
28 unemancipated child, objects to providing the information necessary to  
29 make such disclosure and that the information which would otherwise  
30 be required to be reported shall have no material bearing on the  
31 discharge of the reporting person's official duties. If such  
32 request for exemption is denied, the commission, in its notification of  
33 denial, shall inform the person of their right to appeal the commis-  
34 sion's determination, pursuant to article seventy-eight of the civil  
35 practice law and rules.

36 (j) The commission may permit any person required to file a financial  
37 disclosure statement to request an exemption from any requirement to  
38 report the identity of a client pursuant to the question under subpara-  
39 graph (b) of paragraph eight of subdivision three of section seventy-  
40 three-a of the public officers law in such statement based upon an  
41 exemption set forth in such question. The reporting individual need not  
42 seek an exemption to refrain from disclosing the identity of any  
43 client with respect to any matter where they or their firm provided  
44 legal representation to the client in connection with an investi-  
45 gation or prosecution by law enforcement authorities, bankruptcy, or  
46 domestic relations matters. In addition, clients or customers  
47 receiving medical or dental services, mental health services, residen-  
48 tial real estate brokering services, or insurance brokering  
49 services need not be disclosed. Pending any application for deletion or  
50 exemption to the commission relating to the filing of a financial  
51 disclosure statement, all information which is the subject or part of  
52 the application shall remain confidential. Upon an adverse determination  
53 by the commission, the reporting individual may request, and upon  
54 such request the commission shall provide, that any information that is  
55 the subject or part of the application remain confidential for a peri-  
56 od of thirty days following notice of such determination. In the event

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1 that the reporting individual resigns their office and holds no  
2 other office subject to the jurisdiction of the commission, the informa-  
3 tion shall not be made public and shall be expunged in its entirety.

4 (k) The commission shall permit any person who has not been determined  
5 by the person's appointing authority to hold a policy-making posi-  
6 tion, but who is otherwise required to file a financial disclo-  
7 sure statement to request an exemption from such requirement in  
8 accordance with rules and regulations governing such exemptions. Such  
9 rules and regulations shall provide for exemptions to be granted either  
10 on the application of an individual or on behalf of persons who share  
11 the same job title or employment classification which the commission  
12 deems to be comparable for purposes of this section. Such rules  
13 and regulations may permit the granting of an exemption where, in the  
14 discretion of the commission, the public interest does not require  
15 disclosure and the applicant's duties do not involve the negotiation,  
16 authorization or approval of:

17 (i) contracts, leases, franchises, revocable consents, concessions,  
18 variances, special permits, or licenses as such terms are defined in  
19 section seventy-three of the public officers law;

20 (ii) the purchase, sale, rental or lease of real property, goods or  
21 services, or a contract therefor;

22 (iii) the obtaining of grants of money or loans; or



23 (iv) the adoption or repeal of any rule or regulation having the force  
24 and effect of law.

25 10. Investigation and enforcement. (a) The commission shall receive  
26 complaints and referrals alleging violations of section seventy-three,  
27 seventy-three-a or seventy-four of the public officers law, article  
28 one-A of the legislative law, or section one hundred seven of the civil  
29 service law.

30 (b) Upon the receipt of a complaint, referral, or the commencement of  
31 an investigation, members of the commission shall disclose to the  
32 commission any personal, professional, financial, or other direct or  
33 indirect relationships a member of the commission may have with a  
34 complainant or respondent. If any commissioner determines a conflict of  
35 interest may exist, the commissioner shall, in writing, notify the other  
36 members of the commission setting forth the possible conflict of inter-  
37 est. The commissioner may recuse himself from all subsequent involve-  
38 ment in the consideration and determination of the matter. If, after the  
39 disclosure, the commissioner does not recuse himself from the matter,  
40 the commission, by a majority vote finding that the disclosed informa-  
41 tion creates a substantial conflict of interest, shall remove the  
42 conflicted commissioner from all subsequent involvement in the consider-  
43 ation and determination of the matter, provided the reason for the deci-  
44 sion is clearly stated in the determination of the commission.

45 (c) The commission shall conduct any investigation necessary to carry  
46 out the provisions of this section. Pursuant to this power and duty, the  
47 commission may administer oaths or affirmations, subpoena witnesses,  
48 compel their attendance and testimony, and require the production of any  
49 books or records which it may deem relevant or material. The commission  
50 may, by a majority vote and pursuant to regulations adopted pursuant to  
51 the state administrative procedure act, delegate to the executive direc-  
52 tor the authority to issue subpoenas, provided that the executive direc-  
53 tor first notify the chair of the commission.

54 (d) The commission staff shall review and investigate, as appropriate,  
55 any information in the nature of a complaint or referral received by the  
56 commission or initiated by the commission, including through its review  
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1 of media reports and other information, where there is specific and  
2 credible evidence that a violation of section seventy-three, seventy-  
3 three-a, or seventy-four of the public officers law, section one hundred  
4 seven of the civil service law or article one-A of the legislative law  
5 by a person or entity subject to the jurisdiction of the commission  
6 including members of the legislature and legislative employees and  
7 candidates for members of the legislature.

8 (e) The commission shall notify the complainant, if any, that the  
9 commission has received their complaint.

10 (f) If, following a preliminary review of any complaint or referral,  
11 the commission or commission staff decides to elevate such preliminary  
12 review into an investigation, written notice shall be provided to the  
13 respondent setting forth, to the extent the commission is able to, the  
14 possible or alleged violation or violations of such law and a  
15 description of the allegations against the respondent and the evidence,  
16 if any, already gathered pertaining to such allegations, provided howev-  
17 er that any information that may, in the judgment of the commission or  
18 staff, either be prejudicial to the complainant or compromise the inves-  
19 tigation shall be redacted. The respondent shall have fifteen days from  
20 receipt of the written notice to provide any preliminary response or  
21 information the respondent determines may benefit the commission or  
22 commission staff in its work. After the review and investigation, the  
23 staff shall prepare a report to the commission setting forth the allega-  
24 tion or allegations made, the evidence gathered in the review and inves-  
25 tigation tending to support and disprove, if any, the allegation or  
26 allegations, the relevant law, and a recommendation for the closing of

27 the matter as unfounded or unsubstantiated, for settlement, for guid-  
28 ance, or moving the matter to a confidential due process hearing. The  
29 commission shall, by majority vote, return the matter to the staff for  
30 further investigation or accept or reject the staff recommendation.

31 (g) In an investigation involving a victim the commission shall ensure  
32 that any interview of such victim is upon such victim's consent and  
33 that the investigator or investigators interviewing such victim have  
34 adequate trauma informed and victim centered investigative training. If  
35 a victim is requested to testify at a hearing, the commission shall  
36 provide sufficient notice to the victim of such request. Regardless of  
37 whether a victim is requested to or testifies at a hearing, the victim  
38 shall be informed as to how any statements made or information provided  
39 will be used in an investigation.

40 (h) Upon the conclusion of an investigation, if the commission, after  
41 consideration of a staff report, determines by majority vote that there  
42 is credible evidence of a violation of the laws under its jurisdiction,  
43 it shall provide the respondent timely notice for a due process hearing.  
44 The commission shall also inform the respondent of its rules regarding  
45 the conduct of adjudicatory proceedings and appeals and the other due  
46 process procedural mechanisms available to the respondent. If after a  
47 hearing the complaint is unsubstantiated or unfounded, the commission  
48 shall provide written notice to the respondent, complainant, if any,  
49 and victim, if any, provided that such notice shall not include any  
50 personally identifying information or information tending to identify  
51 any party involved in an investigation.

52 (i) The hearing shall be conducted before an independent arbitrator.  
53 Such hearing shall afford the respondent with a reasonable opportunity  
54 to appear in person, and by attorney, give sworn testimony, present  
55 evidence, and cross-examine witnesses.

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1 (j) The commission may, at any time, develop procedures and rules for  
2 resolution of de minimus or minor violations that can be resolved  
3 outside of the enforcement process, including the sending of a confiden-  
4 tial guidance or educational letter.

5 (k) The jurisdiction of the commission when acting pursuant to this  
6 section shall continue notwithstanding that a statewide elected official  
7 or a state officer or employee or member of the legislature or legisla-  
8 tive employee separates from state service, or a political party chair  
9 ceases to hold such office, or a candidate ceases to be a candidate, or  
10 a lobbyist or client of a lobbyist ceases to act as such, provided that  
11 the commission notifies such individual or entity of the alleged  
12 violation of law within two years from the individual's separation from  
13 state service or termination of party service or candidacy, or from the  
14 last report filed pursuant to article one-A of the legislative law.  
15 Nothing in this section shall serve to limit the jurisdiction of the  
16 commission in enforcement of subdivision eight of section seventy-three  
17 of the public officers law.

18 (l) If the commission's vote to proceed to a due process hearing after  
19 the completion of an investigation does not carry, the commission shall  
20 provide written notice of the decision to the respondent, complainant,  
21 if any, and victim, if any, provided that such notice shall not include  
22 any personally identifying information or information tending to identi-  
23 fy any party involved in an investigation.

24 (m) If the commission determines a complaint or referral lacks specif-  
25 ic and credible evidence of a violation of the laws under its jurisdic-  
26 tion, or a matter is closed due to the allegations being unsubstantiated  
27 prior to a vote by the commission, such records and all related material  
28 shall be exempt from public disclosure under article six of the public  
29 officers law, except the commission's vote shall be publicly disclosed  
30 in accordance with articles six and seven of the public officers law.  
31 The commission shall provide written notice of such closure to the

32 respondent, complainant, if any, or victim, if any, provided that such  
33 notice shall not include any personally identifying information or  
34 information tending to identify any party involved in an investigation.

35 (n) (i) An individual subject to the jurisdiction of the commission  
36 who knowingly and intentionally violates the provisions of subdivisions  
37 two through five-a, seven, eight, twelve or fourteen through seventeen  
38 of section seventy-three of the public officers law, section one hundred  
39 seven of the civil service law, or a reporting individual who knowingly  
40 and willfully fails to file an annual statement of financial disclosure  
41 or who knowingly and willfully with intent to deceive makes a false  
42 statement or fraudulent omission or gives information which such indi-  
43 vidual knows to be false on such statement of financial disclosure filed  
44 pursuant to section seventy-three-a of the public officers law, shall be  
45 subject to a civil penalty in an amount not to exceed forty thousand  
46 dollars and the value of any gift, compensation or benefit received as a  
47 result of such violation.

48 (ii) An individual who knowingly and intentionally violates the  
49 provisions of paragraph a, b, c, d, e, g, or i of subdivision three of  
50 section seventy-four of the public officers law, shall be subject to a  
51 civil penalty in an amount not to exceed ten thousand dollars and the  
52 value of any gift, compensation or benefit received as a result of such  
53 violation.

54 (iii) An individual subject to the jurisdiction of the commission who  
55 knowingly and willfully violates article one-A of the legislative law  
56 shall be subject to civil penalty as provided for in that article.

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1 (iv) With respect to a potential violation of any criminal law where  
2 the commission finds sufficient cause by a majority vote, it shall refer  
3 such matter to the appropriate law enforcement authority for further  
4 investigation.

5 (v) In assessing the amount of the civil penalties to be imposed, the  
6 commission shall consider the seriousness of the violation, the amount  
7 of gain to the individual and whether the individual previously had any  
8 civil or criminal penalties imposed pursuant to this section, and any  
9 other factors the commission deems appropriate.

10 (vi) A civil penalty for false filing shall not be imposed under this  
11 subdivision in the event a category of "value" or "amount" reported  
12 hereunder is incorrect unless such reported information is falsely  
13 understated.

14 (vii) Notwithstanding any other provision of law to the contrary, no  
15 other penalty, civil or criminal may be imposed for a failure to file,  
16 or for a false filing, of such statement, or a violation of subdivision  
17 six of section seventy-three of the public officers law or section one  
18 hundred seven of the civil service law, except that the commission may  
19 recommend that the individual in violation of such subdivision or  
20 section be disciplined.

21 (o) The commission shall be deemed to be an agency within the meaning  
22 of article three of the state administrative procedure act and shall  
23 adopt rules governing the conduct of adjudicatory proceedings and  
24 appeals taken pursuant to a proceeding commenced under article seventy-  
25 eight of the civil practice law and rules relating to the assessment of  
26 the civil penalties or the recommendation of employee discipline herein  
27 authorized. Such rule shall provide for due process procedural mech-  
28 anisms substantially similar to those set forth in article three of the  
29 state administrative procedure act but such mechanisms need not be iden-  
30 tical in terms or scope.

31 (p) (i) The commission shall have jurisdiction to investigate, but  
32 shall have no jurisdiction to impose penalties or discipline upon  
33 members of or candidates for member of the legislature or legislative  
34 employees for any violation of the public officers law or section one  
35 hundred seven of the civil service law. If, after investigation and a

36 due process hearing, the commission has found, by a majority vote, a  
37 substantial basis to conclude that a member of the legislature or a  
38 legislative employee or candidate for member of the legislature has  
39 violated any provisions of such laws, it shall prepare a written report  
40 of its findings and provide a copy of that report to the legislative  
41 ethics commission, and to such individual in violation of such law. The  
42 commission shall provide to the legislative ethics commission copies of  
43 the full investigative file and hearing record.

44 (ii) With respect to the investigation of any individual who is not a  
45 member of the legislature or a legislative employee or candidate for  
46 member of the legislature, if after its investigation and due process  
47 hearing, the commission has found, by a majority vote, a substantial  
48 basis to conclude that the individual or entity has violated the public  
49 officers law, section one hundred seven of the civil service law, or the  
50 legislative law, the commission shall determine whether, in addition to  
51 or in lieu of any fine authorized by this article, the matter should be  
52 referred to their employer for discipline with a warning, admonition,  
53 censure, suspension or termination or other appropriate discipline. With  
54 regard to statewide elected officials, the commission may not order  
55 suspension or termination but may recommend impeachment. The commission  
56 shall then issue a report containing its determinations including its

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1 findings of fact and conclusions of law to the complainant and respond-  
2 ent. The commission shall publish such report on its website within  
3 twenty days of its delivery to the complainant and respondent.

4 11. Confidentiality. (a) When an individual becomes a commissioner or  
5 staff of the commission, such individual shall be required to sign a  
6 non-disclosure statement.

7 (b) Except as otherwise required or provided by law, or when necessary  
8 to inform the complainant or respondent of the alleged violation of  
9 law, if any, of the status of an investigation, testimony received, or  
10 any other information obtained by a commissioner or staff of the commis-  
11 sion, shall not be disclosed by any such individual to any person or  
12 entity outside of the commission during the pendency of any matter. Any  
13 confidential communication to any person or entity outside the commis-  
14 sion related to the matters before the commission shall occur only as  
15 authorized by the commission. For the purposes of this paragraph,  
16 "matter" shall mean any complaint, review, inquiry, or investigation  
17 into alleged violations of this chapter.

18 (c) The commission shall establish procedures necessary to prevent the  
19 unauthorized disclosure of any information received by any member of the  
20 commission or staff of the commission. Any breaches of confidentiality  
21 may be investigated by the New York state office of the inspector gener-  
22 al, attorney general, or other appropriate law enforcement authority  
23 upon a majority vote of the commission to refer, and appropriate action  
24 shall be taken.

25 (d) Any commission member or person employed by the commission who  
26 intentionally and without authorization releases confidential informa-  
27 tion received or generated by the commission shall be guilty of a class  
28 A misdemeanor.

29 12. Annual report. (a) The commission shall make an annual public  
30 report summarizing the activities of the commission during the previous  
31 year and recommending any changes in the laws governing the conduct of  
32 persons subject to the jurisdiction of the commission, or the rules,  
33 regulations and procedures governing the commission's conduct. Such  
34 report shall include, but is not limited to:

35 (i) information on the number and type of complaints received by the  
36 commission and the status of such complaints;

37 (ii) information on the number of investigations pending and nature of  
38 such investigations;

39 (iii) where a matter has been resolved, the date and nature of the

40 disposition and any sanction imposed; provided, however, that such annu-  
41 al report shall not contain any information for which disclosure is not  
42 permitted pursuant to this section or other laws;

43 (iv) information regarding financial disclosure compliance for the  
44 preceding year; and

45 (v) information regarding lobbying law filing compliance for the  
46 preceding year.

47 (b) Such a report shall be filed in the office of the governor and  
48 with the legislature on or before the first day of April for the preced-  
49 ing year.

50 13. Website. (a) Within one hundred twenty days of the effective date  
51 of this section, the commission shall update JCOPE's publicly accessible  
52 website which shall set forth the procedure for filing a complaint with  
53 the commission, the filing of financial disclosure statements filed by  
54 state officers or employees or legislative employees, the filing of  
55 statements required by article one-A of the legislative law, and any  
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1 other records or information which the commission determines to be  
2 appropriate.

3 (b) The commission shall post on its website the following documents:

4 (i) the information set forth in an annual statement of financial  
5 disclosure filed pursuant to section seventy-three-a of the public offi-  
6 cers law except information deleted pursuant to paragraph (g) of subdivi-  
7 vision nine of this section of statewide elected officials and members  
8 of the legislature;

9 (ii) notices of delinquency sent under subdivision nine of this  
10 section;

11 (iii) notices of civil assessments imposed under this section which  
12 shall include a description of the nature of the alleged wrongdoing, the  
13 procedural history of the complaint, the findings and determinations  
14 made by the commission, and any sanction imposed;

15 (iv) the terms of any settlement or compromise of a complaint or  
16 referral which includes a fine, penalty or other remedy;

17 (v) those required to be held or maintained publicly available pursu-  
18 ant to article one-A of the legislative law; and

19 (vi) reports issued by the commission pursuant to this section.

20 14. Additional powers. In addition to any other powers and duties  
21 specified by law, the commission shall have the power and duty to admin-  
22 ister and enforce all the provisions of this section.

23 15. Severability. If any part or provision of this section or the  
24 application thereof to any person or organization is adjudged by a court  
25 of competent jurisdiction to be unconstitutional or otherwise invalid,  
26 such judgment shall not affect or impair any other part or provision or  
27 the application thereof to any other person or organization, but shall  
28 be confined in its operation to such part or provision.

29 § 3. Subdivision (f) of section 1-c of the legislative law, as amended  
30 by chapter 14 of the laws of 2007, is amended to read as follows:

31 (f) The term "commission" shall mean the commission on [~~public integ-~~  
32 ~~ity~~] ethics and lobbying in government created by section ninety-four  
33 of the executive law.

34 § 4. Subdivisions 7, 9, 10, 12 and 13 of section 80 of the legislative  
35 law, subdivisions 7, 9, 12 and 13 as amended and subdivision 10 as added  
36 by section 9 of part A of chapter 399 of the laws of 2011, are amended  
37 to read as follows:

38 7. The commission shall:

39 a. Appoint an executive director who shall act in accordance with the  
40 policies of the commission, provided that the commission may remove the  
41 executive director for neglect of duty, misconduct in office, or inabil-  
42 ity or failure to discharge the powers or duties of office;

43 b. Appoint such other staff as are necessary to assist it to carry out  
44 its duties under this section;

45 c. Adopt, amend, and rescind policies, rules and regulations consist-  
46 ent with this section to govern procedures of the commission which shall  
47 not be subject to the promulgation and hearing requirements of the state  
48 administrative procedure act;

49 d. Administer the provisions of this section;

50 e. Specify the procedures whereby a person who is required to file an  
51 annual financial disclosure statement with the commission may request an  
52 additional period of time within which to file such statement, due to  
53 justifiable cause or undue hardship; such rules or regulations shall  
54 provide for a date beyond which in all cases of justifiable cause or  
55 undue hardship no further extension of time will be granted;

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1 f. Promulgate guidelines to assist appointing authorities in determin-  
2 ing which persons hold policy-making positions for purposes of section  
3 seventy-three-a of the public officers law and may promulgate guidelines  
4 to assist firms, associations and corporations in separating affected  
5 persons from net revenues for purposes of subdivision ten of section  
6 seventy-three of the public officers law, and promulgate guidelines to  
7 assist any firm, association or corporation in which any present or  
8 former statewide elected official, state officer or employee, member of  
9 the legislature or legislative employee, or political party [~~chairman~~  
10 chair] is a member, associate, retired member, of counsel or shareholder,  
11 in complying with the provisions of subdivision ten of section seventy-  
12 three of the public officers law with respect to the separation of such  
13 present or former statewide elected official, state officer or employee,  
14 member of the legislature or legislative employee, or political party  
15 [~~chairman~~] chair from the net revenues of the firm, association or  
16 corporation. Such firm, association or corporation shall not be required  
17 to adopt the procedures contained in the guidelines to establish compli-  
18 ance with subdivision ten of section seventy-three of the public offi-  
19 cers law, but if such firm, association or corporation does adopt such  
20 procedures, it shall be deemed to be in compliance with such subdivision  
21 ten;

22 g. Make available forms for financial disclosure statements required  
23 to be filed pursuant to subdivision six of section seventy-three and  
24 section seventy-three-a of the public officers law as provided by the  
25 [~~joint~~] commission on [~~public~~] ethics and lobbying in government;

26 h. Review financial disclosure statements in accordance with the  
27 provisions of this section, provided however, that the commission may  
28 delegate all or part of the review function relating to financial  
29 disclosure statements filed by legislative employees pursuant to  
30 sections seventy-three and seventy-three-a of the public officers law to  
31 the executive director who shall be responsible for completing staff  
32 review of such statements in a manner consistent with the terms of the  
33 commission's delegation;

34 i. Upon written request from any person who is subject to the juris-  
35 diction of the commission and the requirements of sections seventy-  
36 three, seventy-three-a and seventy-four of the public officers law,  
37 render formal advisory opinions on the requirements of said provisions.  
38 A formal written opinion rendered by the commission, until and unless  
39 amended or revoked, shall be binding on the legislative ethics commis-  
40 sion in any subsequent proceeding concerning the person who requested  
41 the opinion and who acted in good faith, unless material facts were  
42 omitted or misstated by the person in the request for an opinion. Such  
43 opinion may also be relied upon by such person, and may be introduced  
44 and shall be a defense in any criminal or civil action. The [~~joint~~  
45 commission on [~~public~~] ethics and lobbying in government] shall not  
46 investigate an individual for potential violations of law based upon  
47 conduct approved and covered in its entirety by such an opinion, except  
48 that such opinion shall not prevent or preclude an investigation of and  
49 report to the legislative ethics commission concerning the conduct of

50 the person who obtained it by the [joint] commission on [public] ethics  
51 and lobbying in government for violations of section seventy-three,  
52 seventy-three-a or seventy-four of the public officers law to determine  
53 whether the person accurately and fully represented to the legislative  
54 ethics commission the facts relevant to the formal advisory opinion and  
55 whether the person's conduct conformed to those factual representations.  
56 The [joint] commission on ethics and lobbying in government shall be  
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1 authorized and shall have jurisdiction to investigate potential  
2 violations of the law arising from conduct outside of the scope of the  
3 terms of the advisory opinion; and

4 j. Issue and publish generic advisory opinions covering questions  
5 frequently posed to the commission, or questions common to a class or  
6 defined category of persons, or that will tend to prevent undue repe-  
7 tition of requests or undue complication, and which are intended to  
8 provide general guidance and information to persons subject to the  
9 commission's jurisdiction;

10 k. Develop educational materials and training with regard to legisla-  
11 tive ethics for members of the legislature and legislative employees  
12 including an online ethics orientation course for newly-hired employees  
13 and, as requested by the senate or the assembly, materials and training  
14 in relation to a comprehensive ethics training program; and

15 l. Prepare an annual report to the governor and legislature summariz-  
16 ing the activities of the commission during the previous year and recom-  
17 mending any changes in the laws governing the conduct of persons subject  
18 to the jurisdiction of the commission, or the rules, regulations and  
19 procedures governing the commission's conduct. Such report shall  
20 include: (i) a listing by assigned number of each complaint and report  
21 received from the [joint] commission on [public] ethics and lobbying in  
22 government which alleged a possible violation within its jurisdiction,  
23 including the current status of each complaint, and (ii) where a matter  
24 has been resolved, the date and nature of the disposition and any sanc-  
25 tion imposed, subject to the confidentiality requirements of this  
26 section. Such annual report shall not contain any information for which  
27 disclosure is not permitted pursuant to subdivision twelve of this  
28 section.

29 9. (a) An individual subject to the jurisdiction of the commission  
30 with respect to the imposition of penalties who knowingly and inten-  
31 tionally violates the provisions of subdivisions two through five-a,  
32 seven, eight, twelve, fourteen or fifteen of section seventy-three of  
33 the public officers law or a reporting individual who knowingly and  
34 wilfully fails to file an annual statement of financial disclosure or  
35 who knowingly and wilfully with intent to deceive makes a false state-  
36 ment or gives information which such individual knows to be false on  
37 such statement of financial disclosure filed pursuant to section seven-  
38 ty-three-a of the public officers law shall be subject to a civil penal-  
39 ty in an amount not to exceed forty thousand dollars and the value of  
40 any gift, compensation or benefit received as a result of such  
41 violation. Any such individual who knowingly and intentionally violates  
42 the provisions of paragraph a, b, c, d, e, g, or i of subdivision three  
43 of section seventy-four of the public officers law shall be subject to a  
44 civil penalty in an amount not to exceed ten thousand dollars and the  
45 value of any gift, compensation or benefit received as a result of such  
46 violation. Assessment of a civil penalty hereunder shall be made by the  
47 commission with respect to persons subject to its jurisdiction. In  
48 assessing the amount of the civil penalties to be imposed, the commis-  
49 sion shall consider the seriousness of the violation, the amount of gain  
50 to the individual and whether the individual previously had any civil or  
51 criminal penalties imposed pursuant to this section, and any other  
52 factors the commission deems appropriate. For a violation of this  
53 section, other than for conduct which constitutes a violation of subdi-

54 vision twelve, fourteen or fifteen of section seventy-three or section  
55 seventy-four of the public officers law, the legislative ethics commis-  
56 sion may, in lieu of or in addition to a civil penalty, refer a  
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1 violation to the appropriate prosecutor and upon such conviction, but  
2 only after such referral, such violation shall be punishable as a class  
3 A misdemeanor. Where the commission finds sufficient cause, it shall  
4 refer such matter to the appropriate prosecutor. A civil penalty for  
5 false filing may not be imposed hereunder in the event a category of  
6 "value" or "amount" reported hereunder is incorrect unless such reported  
7 information is falsely understated. Notwithstanding any other provision  
8 of law to the contrary, no other penalty, civil or criminal may be  
9 imposed for a failure to file, or for a false filing, of such statement,  
10 or a violation of subdivision six of section seventy-three of the public  
11 officers law, except that the appointing authority may impose discipli-  
12 nary action as otherwise provided by law. The legislative ethics commis-  
13 sion shall be deemed to be an agency within the meaning of article three  
14 of the state administrative procedure act and shall adopt rules govern-  
15 ing the conduct of adjudicatory proceedings and appeals taken pursuant  
16 to a proceeding commenced under article seventy-eight of the civil prac-  
17 tice law and rules relating to the assessment of the civil penalties  
18 herein authorized. Such rules, which shall not be subject to the promul-  
19 gation and hearing requirements of the state administrative procedure  
20 act, shall provide for due process procedural mechanisms substantially  
21 similar to those set forth in such article three but such mechanisms  
22 need not be identical in terms or scope. Assessment of a civil penalty  
23 shall be final unless modified, suspended or vacated within thirty days  
24 of imposition, with respect to the assessment of such penalty, or unless  
25 such denial of request is reversed within such time period, and upon  
26 becoming final shall be subject to review at the instance of the  
27 affected reporting individuals in a proceeding commenced against the  
28 legislative ethics commission, pursuant to article seventy-eight of the  
29 civil practice law and rules.

30 (b) Not later than [~~forty-five~~] twenty calendar days after receipt  
31 from the [~~joint~~] commission on [~~public~~] ethics and lobbying in govern-  
32 ment of a written substantial basis investigation report and any  
33 supporting documentation or other materials regarding a matter before  
34 the commission pursuant to [~~subdivision fourteen-a-of~~] section ninety-  
35 four of the executive law, unless requested by a law enforcement agency  
36 to suspend the commission's action because of an ongoing criminal inves-  
37 tigation, the legislative ethics commission shall make public such  
38 report in its entirety; provided, however, that the commission may with-  
39 hold such information for not more than one additional period of the  
40 same duration or refer the matter back to the [~~joint~~] commission on  
41 [~~public~~] ethics and lobbying in government once for additional investi-  
42 gation, in which case the legislative ethics commission shall, upon the  
43 termination of such additional period or upon receipt of a new report by  
44 the [~~joint~~] commission on [~~public~~] ethics and lobbying in government  
45 after such additional investigation, make public the written report and  
46 publish it on the commission's website. If the legislative ethics  
47 commission fails to make public the written report received from the  
48 [~~joint~~] commission on ethics and lobbying in government in accordance  
49 with this paragraph, the [~~joint~~] commission on ethics and lobbying in  
50 government shall release such report publicly promptly and in any event  
51 no later than ten days after the legislative ethics commission is  
52 required to release such report. The legislative ethics commission shall  
53 not refer the matter back to the [~~joint~~] commission on [~~public~~] ethics  
54 and lobbying in government for additional investigation more than once.  
55 If the commission refers the matter back to the [~~joint~~] commission on  
56 ethics and lobbying in government for additional fact-finding, the  
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1 ~~[joint-commission's]~~ commission on ethics and lobbying in government's  
2 original report shall remain confidential.

3 10. Upon receipt of a written report from the ~~[joint]~~ commission on  
4 ~~[public]~~ ethics and lobbying in government pursuant to subdivision four-  
5 teen-a of section seventy-three of the public officers law, the legisla-  
6 tive ethics commission shall commence its review of the matter addressed  
7 in such report. No later than ninety days after receipt of such report,  
8 the legislative ethics commission shall dispose of the matter by making  
9 one or more of the following determinations:

10 a. whether the legislative ethics commission concurs with the ~~[joint~~  
11 ~~commission's]~~ commission on ethics and lobbying in government's conclu-  
12 sions of law and the reasons therefor;

13 b. whether and which penalties have been assessed pursuant to applica-  
14 ble law or rule and the reasons therefor; and

15 c. whether further actions have been taken by the commission to punish  
16 or deter the misconduct at issue and the reasons therefor.

17 The commission's disposition shall be reported in writing and  
18 published on its website no later than ten days after such disposition  
19 unless requested by a law enforcement agency to suspend the commission's  
20 action because of an ongoing criminal investigation.

21 12. a. Notwithstanding the provisions of article six of the public  
22 officers law, the only records of the commission which shall be avail-  
23 able for public inspection and copying are:

24 (1) the terms of any settlement or compromise of a complaint or refer-  
25 ral or report which includes a fine, penalty or other remedy reached  
26 after the commission has received a report from the ~~[joint]~~ commission  
27 on ~~[public]~~ ethics and lobbying in government pursuant to ~~[subdivision~~  
28 ~~fourteen-a-of]~~ section ninety-four of the executive law;

29 (2) generic advisory opinions;

30 (3) all reports required by this section; and

31 (4) all reports received from the ~~[joint]~~ commission on ~~[public]~~  
32 ethics and lobbying in government pursuant to ~~[subdivision-fourteen-a~~  
33 ~~of]~~ section ninety-four of the executive law and in conformance with  
34 paragraph (b) of subdivision ~~[nine-b]~~ nine of this section.

35 b. Notwithstanding the provisions of article seven of the public offi-  
36 cers law, no meeting or proceeding of the commission shall be open to  
37 the public, except if expressly provided otherwise by this section or  
38 the commission.

39 13. Within one hundred twenty days of the effective date of this  
40 subdivision, the commission shall create and thereafter maintain a  
41 publicly accessible website which shall set forth the procedure for  
42 filing a complaint with the ~~[joint]~~ commission on ~~[public]~~ ethics and  
43 lobbying in government, and which shall contain any other records or  
44 information which the commission determines to be appropriate.

45 § 5. Paragraphs (c), (d) and (d-1) of subdivision 1 of section 73-a of  
46 the public officers law, paragraphs (c) and (d) as amended and paragraph  
47 (d-1) as added by section 5 of part A of chapter 399 of the laws of  
48 2011, are amended to read as follows:

49 (c) The term "state officer or employee" shall mean:

50 (i) heads of state departments and their deputies and assistants;

51 (ii) officers and employees of statewide elected officials, officers  
52 and employees of state departments, boards, bureaus, divisions, commis-  
53 sions, councils or other state agencies, who receive annual compensation  
54 in excess of the filing rate established by paragraph (1) of this subdivi-  
55 sion or who hold policy-making positions, as annually determined by  
56 the appointing authority and set forth in a written instrument which  
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1 shall be filed with the ~~[joint]~~ commission on ~~[public]~~ ethics and lobby-  
2 ing in government established by section ninety-four of the executive  
3 law during the month of February, provided, however, that the appointing

4 authority shall amend such written instrument after such date within  
5 thirty days after the undertaking of policy-making responsibilities by a  
6 new employee or any other employee whose name did not appear on the most  
7 recent written instrument; and

8 (iii) members or directors of public authorities, other than multi-  
9 state authorities, public benefit corporations and commissions at least  
10 one of whose members is appointed by the governor, and employees of such  
11 authorities, corporations and commissions who receive annual compen-  
12 sation in excess of the filing rate established by paragraph (1) of this  
13 subdivision or who hold policy-making positions, as determined annually  
14 by the appointing authority and set forth in a written instrument which  
15 shall be filed with the [~~joint~~] commission on [~~public~~] ethics and lobby-  
16 ing in government established by section ninety-four of the executive  
17 law during the month of February, provided, however, that the appointing  
18 authority shall amend such written instrument after such date within  
19 thirty days after the undertaking of policy-making responsibilities by a  
20 new employee or any other employee whose name did not appear on the most  
21 recent written instrument.

22 (d) The term "legislative employee" shall mean any officer or employee  
23 of the legislature who receives annual compensation in excess of the  
24 filing rate established by paragraph (1) below or who is determined to  
25 hold a policy-making position by the appointing authority as set forth  
26 in a written instrument which shall be filed with the legislative ethics  
27 commission and the [~~joint~~] commission on [~~public~~] ethics and lobbying in  
28 government.

29 (d-1) A financial disclosure statement required pursuant to section  
30 seventy-three of this article and this section shall be deemed "filed"  
31 with the [~~joint~~] commission on [~~public~~] ethics and lobbying in govern-  
32 ment upon its filing, in accordance with this section, with the legisla-  
33 tive ethics commission for all purposes including, but not limited to,  
34 [~~subdivision fourteen of~~] section ninety-four of the executive law,  
35 subdivision nine of section eighty of the legislative law and subdivi-  
36 sion four of this section.

37 § 6. Subdivision 1 of section 73-a of the public officers law is  
38 amended by adding a new paragraph (e-1) to read as follows:

39 (e-1) The term "domestic partner" shall mean a person who, with  
40 respect to another person, is formally a party in a domestic partnership  
41 or similar relationship with the other person, entered into pursuant to  
42 the laws of the United States or any state, local or foreign jurisdic-  
43 tion, or registered as the domestic partner of the other person with any  
44 registry maintained by the employer of either party or any state, muni-  
45 cipality, or foreign jurisdiction.

46 § 7. Subdivision 2 of section 73-a of the public officers law, as  
47 amended by section 5 of part A of chapter 399 of the laws of 2011, is  
48 amended to read as follows:

49 2. (a) Every statewide elected official, state officer or employee,  
50 member of the legislature, legislative employee and political party  
51 [~~chairman~~] chair and every candidate for statewide elected office or for  
52 member of the legislature shall file an annual statement of financial  
53 disclosure containing the information and in the form set forth in  
54 subdivision three of this section. On or before the fifteenth day of May  
55 with respect to the preceding calendar year: (1) every member of the  
56 legislature, every candidate for member of the legislature and legisla-  
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1 tive employee shall file such statement with the legislative ethics  
2 commission which shall provide such statement along with any requests  
3 for exemptions or deletions to the [~~joint~~] commission on [~~public~~] ethics  
4 and lobbying in government for filing and rulings with respect to such  
5 requests for exemptions or deletions, on or before the thirtieth day of  
6 June; and (2) all other individuals required to file such statement  
7 shall file it with the [~~joint~~] commission on [~~public~~] ethics and lobby-

8 ing in government, except that:

9 (i) a person who is subject to the reporting requirements of this  
10 subdivision and who timely filed with the internal revenue service an  
11 application for automatic extension of time in which to file his or her  
12 individual income tax return for the immediately preceding calendar or  
13 fiscal year shall be required to file such financial disclosure state-  
14 ment on or before May fifteenth but may, without being subjected to any  
15 civil penalty on account of a deficient statement, indicate with respect  
16 to any item of the disclosure statement that information with respect  
17 thereto is lacking but will be supplied in a supplementary statement of  
18 financial disclosure, which shall be filed on or before the seventh day  
19 after the expiration of the period of such automatic extension of time  
20 within which to file such individual income tax return, provided that  
21 failure to file or to timely file such supplementary statement of finan-  
22 cial disclosure or the filing of an incomplete or deficient supplementa-  
23 ry statement of financial disclosure shall be subject to the notice and  
24 penalty provisions of this section respecting annual statements of  
25 financial disclosure as if such supplementary statement were an annual  
26 statement;

27 (ii) a person who is required to file an annual financial disclosure  
28 statement with the [~~joint~~] commission on [~~public~~] ethics and lobbying in  
29 government, and who is granted an additional period of time within which  
30 to file such statement due to justifiable cause or undue hardship, in  
31 accordance with required rules and regulations [~~on the subject~~] adopted  
32 pursuant to [~~paragraph e of subdivision nine of~~] section ninety-four of  
33 the executive law shall file such statement within the additional period  
34 of time granted; and the legislative ethics commission shall notify the  
35 [~~joint~~] commission on [~~public~~] ethics and lobbying in government of any  
36 extension granted pursuant to this paragraph;

37 (iii) candidates for statewide office who receive a party designation  
38 for nomination by a state committee pursuant to section 6-104 of the  
39 election law shall file such statement within ten days after the date of  
40 the meeting at which they are so designated;

41 (iv) candidates for statewide office who receive twenty-five percent  
42 or more of the vote cast at the meeting of the state committee held  
43 pursuant to section 6-104 of the election law and who demand to have  
44 their names placed on the primary ballot and who do not withdraw within  
45 fourteen days after such meeting shall file such statement within ten  
46 days after the last day to withdraw their names in accordance with the  
47 provisions of such section of the election law;

48 (v) candidates for statewide office and candidates for member of the  
49 legislature who file party designating petitions for nomination at a  
50 primary election shall file such statement within ten days after the  
51 last day allowed by law for the filing of party designating petitions  
52 naming them as candidates for the next succeeding primary election;

53 (vi) candidates for independent nomination who have not been desig-  
54 nated by a party to receive a nomination shall file such statement with-  
55 in ten days after the last day allowed by law for the filing of inde-  
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1 pendent nominating petitions naming them as candidates in the next  
2 succeeding general or special election;

3 (vii) candidates who receive the nomination of a party for a special  
4 election shall file such statement within ten days after the date of the  
5 meeting of the party committee at which they are nominated;

6 (viii) a candidate substituted for another candidate, who fills a  
7 vacancy in a party designation or in an independent nomination, caused  
8 by declination, shall file such statement within ten days after the last  
9 day allowed by law to file a certificate to fill a vacancy in such party  
10 designation or independent nomination;

11 (ix) with respect to all candidates for member of the legislature, the  
12 legislative ethics commission shall within five days of receipt provide

13 the [joint] commission on [public] ethics and lobbying in government the  
14 statement filed pursuant to subparagraphs (v), (vi), (vii) and (viii) of  
15 this paragraph.

16 (b) As used in this subdivision, the terms "party", "committee" (when  
17 used in conjunction with the term "party"), "designation", "primary",  
18 "primary election", "nomination", "independent nomination" and "ballot"  
19 shall have the same meanings as those contained in section 1-104 of the  
20 election law.

21 (c) If the reporting individual is a senator or member of assembly,  
22 candidate for the senate or member of assembly or a legislative employ-  
23 ee, such statement shall be filed with both the legislative ethics  
24 commission established by section eighty of the legislative law and the  
25 [joint] commission on [public] ethics and lobbying in government in  
26 accordance with paragraph (d-1) of subdivision one of this section. If  
27 the reporting individual is a statewide elected official, candidate for  
28 statewide elected office, a state officer or employee or a political  
29 party [chairman] chair, such statement shall be filed with the [joint]  
30 commission on [public] ethics and lobbying in government established by  
31 section ninety-four of the executive law.

32 (d) The [joint] commission on [public] ethics and lobbying in govern-  
33 ment shall obtain from the state board of elections a list of all candi-  
34 dates for statewide office and for member of the legislature, and from  
35 such list, shall determine and publish a list of those candidates who  
36 have not, within ten days after the required date for filing such state-  
37 ment, filed the statement required by this subdivision.

38 (e) Any person required to file such statement who commences employ-  
39 ment after May fifteenth of any year and political party [chairman]  
40 chair shall file such statement within thirty days after commencing  
41 employment or of taking the position of political party [chairman]  
42 chair, as the case may be. In the case of members of the legislature and  
43 legislative employees, such statements shall be filed with the legisla-  
44 tive ethics commission within thirty days after commencing employment,  
45 and the legislative ethics commission shall provide such statements to  
46 the [joint] commission on [public] ethics and lobbying in government  
47 within forty-five days of receipt.

48 (f) A person who may otherwise be required to file more than one annu-  
49 al financial disclosure statement with both the [joint] commission on  
50 [public] ethics and lobbying in government and the legislative ethics  
51 commission in any one calendar year may satisfy such requirement by  
52 filing one such statement with either body and by notifying the other  
53 body of such compliance.

54 (g) A person who is employed in more than one employment capacity for  
55 one or more employers certain of whose officers and employees are  
56 subject to filing a financial disclosure statement with the same ethics  
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1 commission, as the case may be, and who receives distinctly separate  
2 payments of compensation for such employment shall be subject to the  
3 filing requirements of this section if the aggregate annual compensation  
4 for all such employment capacities is in excess of the filing rate  
5 notwithstanding that such person would not otherwise be required to file  
6 with respect to any one particular employment capacity. A person not  
7 otherwise required to file a financial disclosure statement hereunder  
8 who is employed by an employer certain of whose officers or employees  
9 are subject to filing a financial disclosure statement with the [joint]  
10 commission on [public] ethics and lobbying in government and who is also  
11 employed by an employer certain of whose officers or employees are  
12 subject to filing a financial disclosure statement with the legislative  
13 ethics commission shall not be subject to filing such statement with  
14 either such commission on the basis that his aggregate annual compen-  
15 sation from all such employers is in excess of the filing rate.

16 (h) A statewide elected official or member of the legislature, who is

17 simultaneously a candidate for statewide elected office or member of the  
18 legislature, shall satisfy the filing deadline requirements of this  
19 subdivision by complying only with the deadline applicable to one who  
20 holds a statewide elected office or who holds the office of member of  
21 the legislature.

22 (i) A candidate whose name will appear on both a party designating  
23 petition and on an independent nominating petition for the same office  
24 or who will be listed on the election ballot for the same office more  
25 than once shall satisfy the filing deadline requirements of this subdivi-  
26 sion by complying with the earliest applicable deadline only.

27 (j) A member of the legislature who is elected to such office at a  
28 special election prior to May fifteenth in any year shall satisfy the  
29 filing requirements of this subdivision in such year by complying with  
30 the earliest applicable deadline only.

31 (k) The [~~joint~~] commission on [~~public~~] ethics and lobbying in govern-  
32 ment shall post for at least five years beginning for filings made on  
33 January first, two thousand thirteen the annual statement of financial  
34 disclosure and any amendments filed by each person subject to the  
35 reporting requirements of this subdivision who is an elected official on  
36 its website for public review within thirty days of its receipt of such  
37 statement or within ten days of its receipt of such amendment that  
38 reflects any corrections of deficiencies identified by the commission or  
39 by the reporting individual after the reporting individual's initial  
40 filing. Except upon an individual determination by the commission that  
41 certain information may be deleted from a reporting individual's annual  
42 statement of financial disclosure, none of the information in the state-  
43 ment posted on the commission's website shall be otherwise deleted.

44 § 8. Subparagraphs (b), (b-2) and (c) of paragraph 8 of subdivision 3  
45 of section 73-a of the public officers law, as amended by section 6 of  
46 part K of chapter 286 of the laws of 2016, are amended to read as  
47 follows:

48 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
49 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
50 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING  
51 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON  
52 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
53 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

54 If the reporting individual personally provides services to any person  
55 or entity, or works as a member or employee of a partnership or corpo-  
56 ration that provides such services (referred to hereinafter as a  
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1 "firm"), then identify each client or customer to whom the reporting  
2 individual personally provided services, or who was referred to the firm  
3 by the reporting individual, and from whom the reporting individual or  
4 his or her firm earned fees in excess of \$10,000 during the reporting  
5 period for such services rendered in direct connection with:

6 (i) A contract in an amount totaling \$50,000 or more from the state or  
7 any state agency for services, materials, or property;

8 (ii) A grant of \$25,000 or more from the state or any state agency  
9 during the reporting period;

10 (iii) A grant obtained through a legislative initiative during the  
11 reporting period; or

12 (iv) A case, proceeding, application or other matter that is not a  
13 ministerial matter before a state agency during the reporting period.

14 For purposes of this question, "referred to the firm" shall mean:  
15 having intentionally and knowingly taken a specific act or series of  
16 acts to intentionally procure for the reporting individual's firm or  
17 knowingly solicit or direct to the reporting individual's firm in whole  
18 or substantial part, a person or entity that becomes a client of that  
19 firm for the purposes of representation for a matter as defined in  
20 subparagraphs (i) through (iv) of this paragraph, as the result of such

21 procurement, solicitation or direction of the reporting individual. A  
22 reporting individual need not disclose activities performed while  
23 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-  
24 sion seven of section seventy-three of this article.

25 The disclosure requirement in this question shall not require disclo-  
26 sure of clients or customers receiving medical or dental services,  
27 mental health services, residential real estate brokering services, or  
28 insurance brokering services from the reporting individual or his or her  
29 firm. The reporting individual need not identify any client to whom he  
30 or she or his or her firm provided legal representation with respect to  
31 investigation or prosecution by law enforcement authorities, bankruptcy,  
32 or domestic relations matters. With respect to clients represented in  
33 other matters, where disclosure of a client's identity is likely to  
34 cause harm, the reporting individual shall request an exemption from the  
35 ~~[joint]~~ commission on ethics and lobbying in government pursuant to  
36 ~~[paragraph (i-1) of subdivision nine of]~~ section ninety-four of the  
37 executive law, provided, however, that a reporting individual who first  
38 enters public office after July first, two thousand twelve, need not  
39 report clients or customers with respect to matters for which the  
40 reporting individual or his or her firm was retained prior to entering  
41 public office.

42 Client	Nature of Services Provided
43 _____	
44 _____	
45 _____	
46 _____	
47 _____	

48 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
49 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
50 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
51 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
52 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
53 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

54 (i) With respect to reporting individuals who receive ten thousand  
55 dollars or more from employment or activity reportable under question  
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1 8(a), for each client or customer NOT otherwise disclosed or exempted in  
2 question 8 or 13, disclose the name of each client or customer known to  
3 the reporting individual to whom the reporting individual provided  
4 services: (A) who paid the reporting individual in excess of five thou-  
5 sand dollars for such services; or (B) who had been billed with the  
6 knowledge of the reporting individual in excess of five thousand dollars  
7 by the firm or other entity named in question 8(a) for the reporting  
8 individual's services.

9 Client	Services	Category of Amount
10	Actually Provided	(in Table I)
_____		
_____		
_____		
_____		

11 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF  
12 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 13 \* REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 14 \* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 15 \* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 16 \* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
- 17 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 18 \* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY

19 NAME);  
20 \* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR  
21 REPRESENTATION OR CONSULTATION;  
22 \* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);  
23 \* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING  
24 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);  
25 \* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).  
26 (ii) With respect to reporting individuals who disclosed in question  
27 8(a) that the reporting individual did not provide services to a client  
28 but provided services to a firm or business, identify the category of  
29 amount received for providing such services and describe the services  
30 rendered.  
31 Services Actually Provided Category of Amount (Table I)

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32 A reporting individual need not disclose activities performed while  
33 lawfully acting in his or her capacity as provided in paragraphs (c),  
34 (d), (e) and (f) of subdivision seven of section seventy-three of this  
35 article.  
36 The disclosure requirement in questions (b-1) and (b-2) shall not  
37 require disclosing clients or customers receiving medical, pharmaceu-  
38 tical or dental services, mental health services, or residential real  
39 estate brokering services from the reporting individual or his or her  
40 firm or if federal law prohibits or limits disclosure. The reporting  
41 individual need not identify any client to whom he or she or his or her  
42 firm provided legal representation with respect to investigation or  
43 prosecution by law enforcement authorities, bankruptcy, family court,  
44 estate planning, or domestic relations matters, nor shall the reporting  
45 individual identify individuals represented pursuant to an insurance  
46 policy but the reporting individual shall in such circumstances only  
47 report the entity that provides compensation to the reporting individ-  
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1 ual; with respect to matters in which the client's name is required by  
2 law to be kept confidential (such as matters governed by the family  
3 court act) or in matters in which the reporting individual represents or  
4 provides services to minors, the client's name may be replaced with  
5 initials. To the extent that the reporting individual, or his or her  
6 firm, provided legal representation with respect to an initial public  
7 offering, and professional disciplinary rules, federal law or regu-  
8 lations restrict the disclosure of information relating to such work,  
9 the reporting individual shall (i) disclose the identity of the client  
10 and the services provided relating to the initial public offering to the  
11 office of court administration, who will maintain such information  
12 confidentially in a locked box; and (ii) include in his or her response  
13 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-  
14 sure to the office of court administration has been made. Upon such time  
15 that the disclosure of information maintained in the locked box is no  
16 longer restricted by professional disciplinary rules, federal law or  
17 regulation, the reporting individual shall disclose such information in  
18 an amended disclosure statement in response to the disclosure require-  
19 ments in questions (b-1) and (b-2). The office of court administration  
20 shall develop and maintain a secure portal through which information  
21 submitted to it pursuant to this paragraph can be safely and confiden-  
22 tially stored. With respect to clients represented in other matters not  
23 otherwise exempt, the reporting individual may request an exemption to  
24 publicly disclosing the name of that client from the ~~[joint] commission~~  
25 on ethics and lobbying in government pursuant to ~~[paragraph (i-1) of~~  
26 ~~subdivision nine of]~~ section ninety-four of the executive law, or from  
27 the office of court administration. In such application, the reporting  
28 individual shall state the following: "My client is not currently

29 receiving my services or seeking my services in connection with:  
30 (i) A proposed bill or resolution in the senate or assembly during the  
31 reporting period;  
32 (ii) A contract in an amount totaling \$10,000 or more from the state  
33 or any state agency for services, materials, or property;  
34 (iii) A grant of \$10,000 or more from the state or any state agency  
35 during the reporting period;  
36 (iv) A grant obtained through a legislative initiative during the  
37 reporting period; or  
38 (v) A case, proceeding, application or other matter that is not a  
39 ministerial matter before a state agency during the reporting period."

40 In reviewing the request for an exemption, the [~~joint~~] commission on  
41 ethics and lobbying in government or the office of court administration  
42 may consult with bar or other professional associations and the legisla-  
43 tive ethics commission for individuals subject to its jurisdiction and  
44 may consider the rules of professional conduct. In making its determi-  
45 nation, the [~~joint~~] commission on ethics and lobbying in government or  
46 the office of court administration shall conduct its own inquiry and  
47 shall consider factors including, but not limited to: (i) the nature and  
48 the size of the client; (ii) whether the client has any business before  
49 the state; and if so, how significant the business is; and whether the  
50 client has any particularized interest in pending legislation and if so  
51 how significant the interest is; (iii) whether disclosure may reveal  
52 trade secrets; (iv) whether disclosure could reasonably result in retal-  
53 iation against the client; (v) whether disclosure may cause undue harm  
54 to the client; (vi) whether disclosure may result in undue harm to the  
55 attorney-client relationship; and (vii) whether disclosure may result in  
56 an unnecessary invasion of privacy to the client.

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1 The [~~joint~~] commission on ethics and lobbying in government or, as the  
2 case may be, the office of court administration shall promptly make a  
3 final determination in response to such request, which shall include an  
4 explanation for its determination. The office of court administration  
5 shall issue its final determination within three days of receiving the  
6 request. Notwithstanding any other provision of law or any professional  
7 disciplinary rule to the contrary, the disclosure of the identity of any  
8 client or customer in response to this question shall not constitute  
9 professional misconduct or a ground for disciplinary action of any kind,  
10 or form the basis for any civil or criminal cause of action or proceed-  
11 ing. A reporting individual who first enters public office after January  
12 first, two thousand sixteen, need not report clients or customers with  
13 respect to matters for which the reporting individual or his or her firm  
14 was retained prior to entering public office.

15 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
16 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR  
17 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
18 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
19 SAND FIFTEEN:

20 If the reporting individual receives income of ten thousand dollars or  
21 greater from any employment or activity reportable under question 8(a),  
22 identify each registered lobbyist who has directly referred to such  
23 individual a client who was successfully referred to the reporting indi-  
24 vidual's business and from whom the reporting individual or firm  
25 received a fee for services in excess of five thousand dollars. Report  
26 only those referrals that were made to a reporting individual by direct  
27 communication from a person known to such reporting individual to be a  
28 registered lobbyist at the time the referral is made. With respect to  
29 each such referral, the reporting individual shall identify the client,  
30 the registered lobbyist who has made the referral, the category of value  
31 of the compensation received and a general description of the type of  
32 matter so referred. A reporting individual need not disclose activities



33 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and  
34 (f) of subdivision seven of section seventy-three of this article. The  
35 disclosure requirements in this question shall not require disclosing  
36 clients or customers receiving medical, pharmaceutical or dental  
37 services, mental health services, or residential real estate brokering  
38 services from the reporting individual or his or her firm or if federal  
39 law prohibits or limits disclosure. The reporting individual need not  
40 identify any client to whom he or she or his or her firm provided legal  
41 representation with respect to investigation or prosecution by law  
42 enforcement authorities, bankruptcy, family court, estate planning, or  
43 domestic relations matters, nor shall the reporting individual identify  
44 individuals represented pursuant to an insurance policy but the report-  
45 ing individual shall in such circumstances only report the entity that  
46 provides compensation to the reporting individual; with respect to  
47 matters in which the client's name is required by law to be kept confi-  
48 dential (such as matters governed by the family court act) or in matters  
49 in which the reporting individual represents or provides services to  
50 minors, the client's name may be replaced with initials. To the extent  
51 that the reporting individual, or his or her firm, provided legal repre-  
52 sentation with respect to an initial public offering, and federal law or  
53 regulations restricts the disclosure of information relating to such  
54 work, the reporting individual shall (i) disclose the identity of the  
55 client and the services provided relating to the initial public offering  
56 to the office of court administration, who will maintain such informa-  
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1 tion confidentially in a locked box; and (ii) include in his or her  
2 response a statement that pursuant to this paragraph, a disclosure to  
3 the office of court administration has been made. Upon such time that  
4 the disclosure of information maintained in the locked box is no longer  
5 restricted by federal law or regulation, the reporting individual shall  
6 disclose such information in an amended disclosure statement in response  
7 to the disclosure requirements of this paragraph. The office of court  
8 administration shall develop and maintain a secure portal through which  
9 information submitted to it pursuant to this paragraph can be safely and  
10 confidentially stored. With respect to clients represented in other  
11 matters not otherwise exempt, the reporting individual may request an  
12 exemption to publicly disclosing the name of that client from the  
13 ~~[joint]~~ commission on ethics and lobbying in government pursuant to  
14 ~~[paragraph (i-1) of subdivision nine of]~~ section ninety-four of the  
15 executive law, or from the office of court administration. In such  
16 application, the reporting individual shall state the following: "My  
17 client is not currently receiving my services or seeking my services in  
18 connection with:

19 (i) A proposed bill or resolution in the senate or assembly during the  
20 reporting period;

21 (ii) A contract in an amount totaling \$10,000 or more from the state  
22 or any state agency for services, materials, or property;

23 (iii) A grant of \$10,000 or more from the state or any state agency  
24 during the reporting period;

25 (iv) A grant obtained through a legislative initiative during the  
26 reporting period; or

27 (v) A case, proceeding, application or other matter that is not a  
28 ministerial matter before a state agency during the reporting period."

29 In reviewing the request for an exemption, the ~~[joint]~~ commission on  
30 ethics and lobbying in government or the office of court administration  
31 may consult with bar or other professional associations and the legisla-  
32 tive ethics commission for individuals subject to its jurisdiction and  
33 may consider the rules of professional conduct. In making its determi-  
34 nation, the ~~[joint]~~ commission on ethics and lobbying in government or  
35 the office of court administration shall conduct its own inquiry and  
36 shall consider factors including, but not limited to: (i) the nature and

37 the size of the client; (ii) whether the client has any business before  
38 the state; and if so, how significant the business is; and whether the  
39 client has any particularized interest in pending legislation and if so  
40 how significant the interest is; (iii) whether disclosure may reveal  
41 trade secrets; (iv) whether disclosure could reasonably result in retal-  
42 iation against the client; (v) whether disclosure may cause undue harm  
43 to the client; (vi) whether disclosure may result in undue harm to the  
44 attorney-client relationship; and (vii) whether disclosure may result in  
45 an unnecessary invasion of privacy to the client.

46 The [joint] commission on ethics and lobbying in government or, as the  
47 case may be, the office of court administration shall promptly make a  
48 final determination in response to such request, which shall include an  
49 explanation for its determination. The office of court administration  
50 shall issue its final determination within three days of receiving the  
51 request. Notwithstanding any other provision of law or any professional  
52 disciplinary rule to the contrary, the disclosure of the identity of any  
53 client or customer in response to this question shall not constitute  
54 professional misconduct or a ground for disciplinary action of any kind,  
55 or form the basis for any civil or criminal cause of action or proceed-  
56 ing. A reporting individual who first enters public office after Decem-  
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1 ber thirty-first, two thousand fifteen, need not report clients or  
2 customers with respect to matters for which the reporting individual or  
3 his or her firm was retained prior to entering public office.

4 Client	Name of Lobbyist	Description 5 of Matter	Category of Amount (in Table 1)
6			
7			
8			
9			
10			

11 § 9. Subdivisions 4 and 7 of section 73-a of the public officers law,  
12 subdivision 4 as amended by section 5 of part A of chapter 399 of the  
13 laws of 2011 and subdivision 7 as added by section 3 of part CC of chap-  
14 ter 56 of the laws of 2015, are amended to read as follows:

15 4. A reporting individual who knowingly and wilfully fails to file an  
16 annual statement of financial disclosure or who knowingly and wilfully  
17 with intent to deceive makes a false statement or gives information  
18 which such individual knows to be false on such statement of financial  
19 disclosure filed pursuant to this section shall be subject to a civil  
20 penalty in an amount not to exceed forty thousand dollars. Assessment of  
21 a civil penalty hereunder shall be made by the [joint] commission on  
22 [public] ethics and lobbying in government or by the legislative ethics  
23 commission, as the case may be, with respect to persons subject to their  
24 respective jurisdictions. The [joint] commission on [public] ethics and  
25 lobbying in government acting pursuant to subdivision fourteen of  
26 section ninety-four of the executive law or the legislative ethics  
27 commission acting pursuant to subdivision eleven of section eighty of  
28 the legislative law, as the case may be, may, in lieu of or in addition  
29 to a civil penalty, refer a violation to the appropriate prosecutor and  
30 upon such conviction, but only after such referral, such violation shall  
31 be punishable as a class A misdemeanor. A civil penalty for false filing  
32 may not be imposed hereunder in the event a category of "value" or  
33 "amount" reported hereunder is incorrect unless such reported informa-  
34 tion is falsely understated. Notwithstanding any other provision of law  
35 to the contrary, no other penalty, civil or criminal may be imposed for  
36 a failure to file, or for a false filing, of such statement, except that  
37 the appointing authority may impose disciplinary action as otherwise  
38 provided by law. The [joint] commission on [public] ethics and lobbying  
39 in government and the legislative ethics commission shall each be deemed

40 to be an agency within the meaning of article three of the state admin-  
41 istrative procedure act and shall adopt rules governing the conduct of  
42 adjudicatory proceedings and appeals relating to the assessment of the  
43 civil penalties herein authorized. Such rules, which shall not be  
44 subject to the approval requirements of the state administrative proce-  
45 dure act, shall provide for due process procedural mechanisms substan-  
46 tially similar to those set forth in such article three but such mech-  
47 anisms need not be identical in terms or scope. Assessment of a civil  
48 penalty shall be final unless modified, suspended or vacated within  
49 thirty days of imposition and upon becoming final shall be subject to  
50 review at the instance of the affected reporting individual in a  
51 proceeding commenced against the [~~joint~~] commission on [~~public~~]  
52 and lobbying in government or the legislative ethics commission, pursu-  
53 ant to article seventy-eight of the civil practice law and rules.

54 7. With respect to an application to either the [~~joint~~] commission on  
55 ethics and lobbying in government or the office of court administration  
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1 for an exemption to disclosing the name of a client or customer in  
2 response to questions 8 (b-1), 8 (b-2) and 8 (c), all information which  
3 is the subject of or a part of such application shall remain confiden-  
4 tial. The name of the client need not be disclosed by the reporting  
5 individual unless and until the [~~joint~~] commission on ethics and lobby-  
6 ing in government or the office of court administration formally advises  
7 the reporting individual that he or she must disclose such names and the  
8 reporting individual agrees to represent the client. Any commissioner or  
9 person employed by the [~~joint~~] commission on ethics and lobbying in  
10 government or any person employed by the office of court administration  
11 who, intentionally and without authorization from a court of competent  
12 jurisdiction releases confidential information related to a request for  
13 an exemption received by the commission or the office of court adminis-  
14 tration shall be guilty of a class A misdemeanor.

15 § 10. Paragraph (d) of subdivision 1 of section 172-e of the executive  
16 law, as added by section 1 of part F of chapter 286 of the laws of 2016,  
17 is amended to read as follows:

18 (d) "Recipient entity" shall mean any corporation or entity that is  
19 qualified as an exempt organization or entity by the United States  
20 Department of the Treasury under I.R.C. 501(c)(4) that is required to  
21 file a source of funding report with the [~~joint~~] commission on [~~public~~]  
22 ethics and lobbying in government pursuant to sections one-h and one-j  
23 of the legislative law.

24 § 11. The closing paragraph of paragraph 4 of subdivision (c) of  
25 section 1-h of the legislative law, as amended by section 1 of part D of  
26 chapter 286 of the laws of 2016, is amended to read as follows:

27 The [~~joint~~] commission on [~~public~~] ethics and lobbying in government  
28 shall promulgate regulations to implement these requirements.

29 § 12. The closing paragraph of paragraph 4 of subdivision (c) of  
30 section 1-j of the legislative law, as amended by section 2 of part D of  
31 chapter 286 of the laws of 2016, is amended to read as follows:

32 The [~~joint~~] commission on [~~public~~] ethics and lobbying in government  
33 shall promulgate regulations to implement these requirements.

34 § 13. Paragraph (a) of subdivision 1 of section 73 of the public offi-  
35 cers law, as amended by section 1 of part A of chapter 399 of the laws  
36 of 2011, is amended to read as follows:

37 (a) The term "compensation" shall mean any money, thing of value or  
38 financial benefit conferred in return for services rendered or to be  
39 rendered. With regard to matters undertaken by a firm, corporation or  
40 association, compensation shall mean net revenues, as defined in accord-  
41 ance with generally accepted accounting principles as defined by the  
42 [~~joint~~] commission on [~~public~~] ethics and lobbying in government or  
43 legislative ethics commission in relation to persons subject to their  
44 respective jurisdictions.

45 § 14. Subdivision 1 of section 73 of the public officers law is  
46 amended by adding a new paragraph (n) to read as follows:

47 (n) The term "domestic partner" shall mean a person who, with respect  
48 to another person, is formally a party in a domestic partnership or  
49 similar relationship with the other person, entered into pursuant to the  
50 laws of the United States or of any state, local or foreign jurisdic-  
51 tion, or registered as the domestic partner of the other person with any  
52 registry maintained by the employer of either party or any state, muni-  
53 cipality, or foreign jurisdiction.

54 § 15. Paragraph (a) of subdivision 6 of section 73 of the public offi-  
55 cers law, as amended by section 3 of part K of chapter 286 of the laws  
56 of 2016, is amended to read as follows:

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1 (a) Every legislative employee not subject to the provisions of  
2 section seventy-three-a of this chapter shall, on and after December  
3 fifteenth and before the following January fifteenth, in each year, file  
4 with the [~~joint~~] commission on [~~public~~] ethics and lobbying in govern-  
5 ment and the legislative ethics commission a financial disclosure state-  
6 ment of

7 (1) each financial interest, direct or indirect of himself or herself,  
8 his or her spouse or domestic partner and his or her unemancipated chil-  
9 dren under the age of eighteen years in any activity which is subject to  
10 the jurisdiction of a regulatory agency or name of the entity in which  
11 the interest is had and whether such interest is over or under five  
12 thousand dollars in value.

13 (2) every office and directorship held by him or her in any corpo-  
14 ration, firm or enterprise which is subject to the jurisdiction of a  
15 regulatory agency, including the name of such corporation, firm or  
16 enterprise.

17 (3) any other interest or relationship which he or she determines in  
18 his or her discretion might reasonably be expected to be particularly  
19 affected by legislative action or in the public interest should be  
20 disclosed.

21 § 16. Paragraph (h) of subdivision 8 of section 73 of the public offi-  
22 cers law, as amended by section 10 of part A of chapter 399 of the laws  
23 of 2011, is amended to read as follows:

24 (h) Notwithstanding the provisions of subparagraphs (i) and (ii) of  
25 paragraph (a) of this subdivision, a former state officer or employee  
26 may contract individually, or as a member or employee of a firm, corpo-  
27 ration or association, to render services to any state agency when the  
28 agency head certifies in writing to the [~~joint~~] commission on [~~public~~]  
29 ethics and lobbying in government that the services of such former offi-  
30 cer or employee are required in connection with the agency's response to  
31 a disaster emergency declared by the governor pursuant to section twenty-  
32 eight of the executive law.

33 § 17. Subdivisions 8-a, 8-b and 10 of section 73 of the public offi-  
34 cers law, subdivision 8-a as amended by chapter 357 of the laws of 2001,  
35 the opening paragraph of subdivision 8-a as amended by section 11 and  
36 subdivision 8-b as amended by section 12 of part A of chapter 399 of the  
37 laws of 2011, and subdivision 10 as amended by section 5 of part K of  
38 chapter 286 of the laws of 2016, are amended to read as follows:

39 8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of  
40 subdivision eight of this section shall not apply to any such former  
41 state officer or employee engaged in any of the specific permitted  
42 activities defined in this subdivision that are related to any civil  
43 action or proceeding in any state or federal court, provided that the  
44 attorney general has certified in writing to the [~~joint~~] commission on  
45 [~~public~~] ethics and lobbying in government, with a copy to such former  
46 state officer or employee, that the services are rendered on behalf of  
47 the state, a state agency, state officer or employee, or other person or  
48 entity represented by the attorney general, and that such former state

49 officer or employee has expertise, knowledge or experience which is  
50 unique or outstanding in a field or in a particular matter or which  
51 would otherwise be generally unavailable at a comparable cost to the  
52 state, a state agency, state officer or employee, or other person or  
53 entity represented by the attorney general in such civil action or  
54 proceeding. In those instances where a state agency is not represented  
55 by the attorney general in a civil action or proceeding in state or  
56 federal court, a former state officer or employee may engage in permit-  
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1 ted activities provided that the general counsel of the state agency,  
2 after consultation with the [~~joint~~] commission on [~~public~~] ethics and  
3 lobbying in government, provides to the [~~joint~~] commission on [~~public~~]  
4 ethics and lobbying in government a written certification which meets  
5 the requirements of this subdivision. For purposes of this subdivision  
6 the term "permitted activities" shall mean generally any activity  
7 performed at the request of the attorney general or the attorney gener-  
8 al's designee, or in cases where the state agency is not represented by  
9 the attorney general, the general counsel of such state agency, includ-  
10 ing without limitation:

- 11 (a) preparing or giving testimony or executing one or more affidavits;
- 12 (b) gathering, reviewing or analyzing information, including documen-  
13 tary or oral information concerning facts or opinions, attending deposi-  
14 tions or participating in document review or discovery;
- 15 (c) performing investigations, examinations, inspections or tests of  
16 persons, documents or things;
- 17 (d) performing audits, appraisals, compilations or computations, or  
18 reporting about them;
- 19 (e) identifying information to be sought concerning facts or opinions;  
20 or
- 21 (f) otherwise assisting in the preparation for, or conduct of, such  
22 litigation.

23 Nothing in this subdivision shall apply to the provision of legal  
24 representation by any former state officer or employee.

25 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of  
26 paragraph (a) of subdivision eight of this section, a former state offi-  
27 cer or employee may contract individually, or as a member or employee of  
28 a firm, corporation or association, to render services to any state  
29 agency if, prior to engaging in such service, the agency head certifies  
30 in writing to the [~~joint~~] commission on [~~public~~] ethics and lobbying in  
31 government that such former officer or employee has expertise, knowledge  
32 or experience with respect to a particular matter which meets the needs  
33 of the agency and is otherwise unavailable at a comparable cost. Where  
34 approval of the contract is required under section one hundred twelve of  
35 the state finance law, the comptroller shall review and consider the  
36 reasons for such certification. The [~~joint~~] commission on [~~public~~]  
37 ethics and lobbying in government must review and approve all certif-  
38 ications made pursuant to this subdivision.

39 10. Nothing contained in this section, the judiciary law, the educa-  
40 tion law or any other law or disciplinary rule shall be construed or  
41 applied to prohibit any firm, association or corporation, in which any  
42 present or former statewide elected official, state officer or employee,  
43 or political party [~~chairman~~] chair, member of the legislature or legis-  
44 lative employee is a member, associate, retired member, of counsel or  
45 shareholder, from appearing, practicing, communicating or otherwise  
46 rendering services in relation to any matter before, or transacting  
47 business with a state agency, or a city agency with respect to a poli-  
48 tical party [~~chairman~~] chair in a county wholly included in a city with  
49 a population of more than one million, otherwise proscribed by this  
50 section, the judiciary law, the education law or any other law or disci-  
51 plinary rule with respect to such official, member of the legislature or  
52 officer or employee, or political party [~~chairman~~] chair, where such

53 statewide elected official, state officer or employee, member of the  
54 legislature or legislative employee, or political party [chairman] chair  
55 does not share in the net revenues, as defined in accordance with gener-  
56 ally accepted accounting principles by the [joint] commission on  
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1 [public] ethics and lobbying in government or by the legislative ethics  
2 commission in relation to persons subject to their respective jurisdic-  
3 tions, resulting therefrom, or, acting in good faith, reasonably  
4 believed that he or she would not share in the net revenues as so  
5 defined; nor shall anything contained in this section, the judiciary  
6 law, the education law or any other law or disciplinary rule be  
7 construed to prohibit any firm, association or corporation in which any  
8 present or former statewide elected official, member of the legislature,  
9 legislative employee, full-time salaried state officer or employee or  
10 state officer or employee who is subject to the provisions of section  
11 seventy-three-a of this article is a member, associate, retired member,  
12 of counsel or shareholder, from appearing, practicing, communicating or  
13 otherwise rendering services in relation to any matter before, or trans-  
14 acting business with, the court of claims, where such statewide elected  
15 official, member of the legislature, legislative employee, full-time  
16 salaried state officer or employee or state officer or employee who is  
17 subject to the provisions of section seventy-three-a of this article  
18 does not share in the net revenues, as defined in accordance with gener-  
19 ally accepted accounting principles by the [joint] commission on  
20 [public] ethics and lobbying in government or by the legislative ethics  
21 commission in relation to persons subject to their respective jurisdic-  
22 tions, resulting therefrom, or, acting in good faith, reasonably  
23 believed that he or she would not share in the net revenues as so  
24 defined.

25 § 18. Subdivision 3 of section 73-a of the public officers law, as  
26 amended by section 5 of part A of chapter 399 of the laws of 2011, para-  
27 graph 8 as amended by section 6 of part K of chapter 286 of the laws of  
28 2016, and paragraph 13 as amended by section 1 of part CC of chapter 56  
29 of the laws of 2015, is amended to read as follows:

30 3. The annual statement of financial disclosure shall contain the  
31 information and shall be in the form set forth hereinbelow:

32 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year \_\_\_\_\_)

- 33 1. Name \_\_\_\_\_  
34 2. (a) Title of Position \_\_\_\_\_  
35 (b) Department, Agency or other Governmental Entity \_\_\_\_\_  
36 (c) Address of Present Office \_\_\_\_\_  
37 (d) Office Telephone Number \_\_\_\_\_  
38 3. (a) Marital Status \_\_\_\_\_. If married, please give spouse's  
39 full name [~~including maiden name where applicable~~].  
40 \_\_\_\_\_ .  
41 (b) Full name of domestic partner (if applicable).  
42 \_\_\_\_\_ .  
43 (c) List the names of all unemancipated children.  
44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 \_\_\_\_\_  
47 \_\_\_\_\_  
48 \_\_\_\_\_

49 Answer each of the following questions completely, with respect to  
50 calendar year \_\_\_\_\_, unless another period or date is otherwise  
51 specified. If additional space is needed, attach additional pages.

1 Whenever a "value" or "amount" is required to be reported herein, such  
2 value or amount shall be reported as being within one of the following  
3 Categories in Table I or Table II of this subdivision as called for in  
4 the question: A reporting individual shall indicate the Category by  
5 letter only.

6 Whenever "income" is required to be reported herein, the term "income"  
7 shall mean the aggregate net income before taxes from the source identi-  
8 fied.

9 The term "calendar year" shall mean the year ending the December 31st  
10 preceding the date of filing of the annual statement.

11 4. (a) List any office, trusteeship, directorship, partnership, or  
12 position of any nature, whether compensated or not, held by the  
13 reporting individual with any firm, corporation, association, part-  
14 nership, or other organization other than the State of New York.  
15 Include compensated honorary positions; do NOT list membership or  
16 uncompensated honorary positions. If the listed entity was licensed  
17 by any state or local agency, was regulated by any state regulatory  
18 agency or local agency, or, as a regular and significant part of the  
19 business or activity of said entity, did business with, or had  
20 matters other than ministerial matters before, any state or local  
21 agency, list the name of any such agency.

22	23 Position	23 Organization	23 State or 23 Local Agency
24			
25			
26			
27			
28			

29 (b) List any office, trusteeship, directorship, partnership, or position  
30 of any nature, whether compensated or not, held by the spouse,  
31 domestic partner or unemancipated child of the reporting individual,  
32 with any firm, corporation, association, partnership, or other  
33 organization other than the State of New York. Include compensated  
34 honorary positions; do NOT list membership or uncompensated honorary  
35 positions. If the listed entity was licensed by any state or local  
36 agency, was regulated by any state regulatory agency or local agen-  
37 cy, or, as a regular and significant part of the business or activ-  
38 ity of said entity, did business with, or had matters other than  
39 ministerial matters before, any state or local agency, list the name  
40 of any such agency.

41	42 Position	42 Organization	42 State or 42 Local Agency
43			
44			
45			
46			
47			

48 5. (a) List the name, address and description of any occupation,  
49 employment (other than the employment listed under Item 2 above),

1 trade, business or profession engaged in by the reporting individ-  
2 ual. If such activity was licensed by any state or local agency, was

3 regulated by any state regulatory agency or local agency, or, as a  
 4 regular and significant part of the business or activity of said  
 5 entity, did business with, or had matters other than ministerial  
 6 matters before, any state or local agency, list the name of any such  
 7 agency.

8			State or
9	Name & Address		Local
10	Position of Organization	Description	Agency
11			
12			
13			
14			
15			

16 (b) If the spouse, domestic partner or unemancipated child of the  
 17 reporting individual was engaged in any occupation, employment,  
 18 trade, business or profession which activity was licensed by any  
 19 state or local agency, was regulated by any state regulatory agency  
 20 or local agency, or, as a regular and significant part of the busi-  
 21 ness or activity of said entity, did business with, or had matters  
 22 other than ministerial matters before, any state or local agency,  
 23 list the name, address and description of such occupation, employ-  
 24 ment, trade, business or profession and the name of any such agency.

25			State or
26	Name & Address		Local
27	Position of Organization	Description	Agency
28			
29			
30			
31			
32			

33 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-  
 34 vidual, such individual's spouse, domestic partner or unemancipated  
 35 child, or partnership of which any such person is a member, or  
 36 corporation, 10% or more of the stock of which is owned or  
 37 controlled by any such person, whether vested or contingent, in any  
 38 contract made or executed by a state or local agency and include the  
 39 name of the entity which holds such interest and the relationship of  
 40 the reporting individual or such individual's spouse, domestic part-  
 41 ner or such child to such entity and the interest in such contract.  
 42 Do NOT include bonds and notes. Do NOT list any interest in any such  
 43 contract on which final payment has been made and all obligations  
 44 under the contract except for guarantees and warranties have been  
 45 performed, provided, however, that such an interest must be listed  
 46 if there has been an ongoing dispute during the calendar year for  
 47 which this statement is filed with respect to any such guarantees or  
 48 warranties. Do NOT list any interest in a contract made or executed  
 49 by a local agency after public notice and pursuant to a process for

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1 competitive bidding or a process for competitive requests for  
 2 proposals.

3	Entity	Relationship	Contracting	Category
4	Self, Which Held	to Entity	State or	of
5	Spouse, Interest in	and Interest	Local	Value of
6	<u>Domestic</u> Contract	in Contract	Agency	Contract



7 Partner or  
8 Child

(In Table II)

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14 7. List any position the reporting individual held as an officer of any  
15 political party or political organization, as a member of any poli-  
16 tical party committee, or as a political party district leader. The  
17 term "party" shall have the same meaning as "party" in the election  
18 law. The term "political organization" means any party or independ-  
19 ent body as defined in the election law or any organization that is  
20 affiliated with or a subsidiary of a party or independent body.

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

26 8. (a) If the reporting individual practices law, is licensed by the  
27 department of state as a real estate broker or agent or practices a  
28 profession licensed by the department of education, or works as a member  
29 or employee of a firm required to register pursuant to section one-e of  
30 the legislative law as a lobbyist, describe the services rendered for  
31 which compensation was paid including a general description of the prin-  
32 cipal subject areas of matters undertaken by such individual and princ-  
33 ipal duties performed. Specifically state whether the reporting individ-  
34 ual provides services directly to clients. Additionally, if such an  
35 individual practices with a firm or corporation and is a partner or  
36 shareholder of the firm or corporation, give a general description of  
37 principal subject areas of matters undertaken by such firm or corpo-  
38 ration.

39 \_\_\_\_\_  
40 \_\_\_\_\_  
41 \_\_\_\_\_  
42 \_\_\_\_\_  
43 \_\_\_\_\_

44 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
45 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
46 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING  
47 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON  
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1 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
2 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

3 If the reporting individual personally provides services to any person  
4 or entity, or works as a member or employee of a partnership or corpo-  
5 ration that provides such services (referred to hereinafter as a  
6 "firm"), then identify each client or customer to whom the reporting  
7 individual personally provided services, or who was referred to the firm  
8 by the reporting individual, and from whom the reporting individual or  
9 his or her firm earned fees in excess of \$10,000 during the reporting  
10 period for such services rendered in direct connection with:

11 (i) A contract in an amount totaling \$50,000 or more from the state or  
12 any state agency for services, materials, or property;

13 (ii) A grant of \$25,000 or more from the state or any state agency

14 during the reporting period;  
 15 (iii) A grant obtained through a legislative initiative during the  
 16 reporting period; or  
 17 (iv) A case, proceeding, application or other matter that is not a  
 18 ministerial matter before a state agency during the reporting period.  
 19 For purposes of this question, "referred to the firm" shall mean:  
 20 having intentionally and knowingly taken a specific act or series of  
 21 acts to intentionally procure for the reporting individual's firm or  
 22 knowingly solicit or direct to the reporting individual's firm in whole  
 23 or substantial part, a person or entity that becomes a client of that  
 24 firm for the purposes of representation for a matter as defined in  
 25 subparagraphs (i) through (iv) of this paragraph, as the result of such  
 26 procurement, solicitation or direction of the reporting individual. A  
 27 reporting individual need not disclose activities performed while  
 28 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-  
 29 sion seven of section seventy-three of this article.

30 The disclosure requirement in this question shall not require disclo-  
 31 sure of clients or customers receiving medical or dental services,  
 32 mental health services, residential real estate brokering services, or  
 33 insurance brokering services from the reporting individual or his or her  
 34 firm. The reporting individual need not identify any client to whom he  
 35 or she or his or her firm provided legal representation with respect to  
 36 investigation or prosecution by law enforcement authorities, bankruptcy,  
 37 or domestic relations matters. With respect to clients represented in  
 38 other matters, where disclosure of a client's identity is likely to  
 39 cause harm, the reporting individual shall request an exemption from the  
 40 ~~[joint] commission pursuant to [paragraph (i-1) of subdivision nine of]~~  
 41 section ninety-four of the executive law, provided, however, that a  
 42 reporting individual who first enters public office after July first,  
 43 two thousand twelve, need not report clients or customers with respect  
 44 to matters for which the reporting individual or his or her firm was  
 45 retained prior to entering public office.

46 Client	Nature of Services Provided
47	
48	
49	
50	
51	

52 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
 53 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
 54 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
 55 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
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1 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
 2 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

3 If the reporting individual receives income from employment reportable  
 4 in question 8(a) and personally provides services to any person or enti-  
 5 ty, or works as a member or employee of a partnership or corporation  
 6 that provides such services (referred to hereinafter as a "firm"), the  
 7 reporting individual shall identify each client or customer to whom the  
 8 reporting individual personally provided services, or who was referred  
 9 to the firm by the reporting individual, and from whom the reporting  
 10 individual or his or her firm earned fees in excess of \$10,000 during  
 11 the reporting period in direct connection with:

- 12 (i) A contract in an amount totaling \$10,000 or more from the state or  
 13 any state agency for services, materials, or property;
- 14 (ii) A grant of \$10,000 or more from the state or any state agency  
 15 during the reporting period;
- 16 (iii) A grant obtained through a legislative initiative during the  
 17 reporting period; or

18 (iv) A case, proceeding, application or other matter that is not a  
19 ministerial matter before a state agency during the reporting period.

20 For such services rendered by the reporting individual directly to  
21 each such client, describe each matter that was the subject of such  
22 representation, the services actually provided and the payment received.  
23 For payments received from clients referred to the firm by the reporting  
24 individual, if the reporting individual directly received a referral fee  
25 or fees for such referral, identify the client and the payment so  
26 received.

27 For purposes of this question, "referred to the firm" shall mean:  
28 having intentionally and knowingly taken a specific act or series of  
29 acts to intentionally procure for the reporting individual's firm or  
30 having knowingly solicited or directed to the reporting individual's  
31 firm in whole or substantial part, a person or entity that becomes a  
32 client of that firm for the purposes of representation for a matter as  
33 defined in clauses (i) through (iv) of this subparagraph, as the result  
34 of such procurement, solicitation or direction of the reporting individ-  
35 ual. A reporting individual need not disclose activities performed while  
36 lawfully acting in his or her capacity as provided in paragraphs (c),  
37 (d), (e) and (f) of subdivision seven of section seventy-three of this  
38 article.

39	Client	Matter	Nature of Services Provided	Category of Amount (in Table I)
40				
41				
42				
43				
44				
45				
46				

47 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
48 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
49 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
50 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
51 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
52 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

53 (i) With respect to reporting individuals who receive ten thousand  
54 dollars or more from employment or activity reportable under question  
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1 8(a), for each client or customer NOT otherwise disclosed or exempted in  
2 question 8 or 13, disclose the name of each client or customer known to  
3 the reporting individual to whom the reporting individual provided  
4 services: (A) who paid the reporting individual in excess of five thou-  
5 sand dollars for such services; or (B) who had been billed with the  
6 knowledge of the reporting individual in excess of five thousand dollars  
7 by the firm or other entity named in question 8(a) for the reporting  
8 individual's services.

9	Client	Services Actually Provided	Category of Amount (in Table I)
10			

11 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF  
12 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":  
13 \* REVIEWED DOCUMENTS AND CORRESPONDENCE;  
14 \* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;  
15 \* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

16 \* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS  
17 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);  
18 \* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY  
19 NAME);  
20 \* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR  
21 REPRESENTATION OR CONSULTATION;  
22 \* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);  
23 \* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING  
24 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);  
25 \* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).  
26 (ii) With respect to reporting individuals who disclosed in question  
27 8(a) that the reporting individual did not provide services to a client  
28 but provided services to a firm or business, identify the category of  
29 amount received for providing such services and describe the services  
30 rendered.  
31 Services Actually Provided Category of Amount (Table I)

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32 A reporting individual need not disclose activities performed while  
33 lawfully acting in his or her capacity as provided in paragraphs (c),  
34 (d), (e) and (f) of subdivision seven of section seventy-three of this  
35 article.

36 The disclosure requirement in questions (b-1) and (b-2) shall not  
37 require disclosing clients or customers receiving medical, pharmaceu-  
38 tical or dental services, mental health services, or residential real  
39 estate brokering services from the reporting individual or his or her  
40 firm or if federal law prohibits or limits disclosure. The reporting  
41 individual need not identify any client to whom he or she or his or her  
42 firm provided legal representation with respect to investigation or  
43 prosecution by law enforcement authorities, bankruptcy, family court,  
44 estate planning, or domestic relations matters, nor shall the reporting  
45 individual identify individuals represented pursuant to an insurance  
46 policy but the reporting individual shall in such circumstances only  
47 report the entity that provides compensation to the reporting individ-  
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1 ual; with respect to matters in which the client's name is required by  
2 law to be kept confidential (such as matters governed by the family  
3 court act) or in matters in which the reporting individual represents or  
4 provides services to minors, the client's name may be replaced with  
5 initials. To the extent that the reporting individual, or his or her  
6 firm, provided legal representation with respect to an initial public  
7 offering, and professional disciplinary rules, federal law or regu-  
8 lations restrict the disclosure of information relating to such work,  
9 the reporting individual shall (i) disclose the identity of the client  
10 and the services provided relating to the initial public offering to the  
11 office of court administration, who will maintain such information  
12 confidentially in a locked box; and (ii) include in his or her response  
13 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-  
14 sure to the office of court administration has been made. Upon such time  
15 that the disclosure of information maintained in the locked box is no  
16 longer restricted by professional disciplinary rules, federal law or  
17 regulation, the reporting individual shall disclose such information in  
18 an amended disclosure statement in response to the disclosure require-  
19 ments in questions (b-1) and (b-2). The office of court administration  
20 shall develop and maintain a secure portal through which information  
21 submitted to it pursuant to this paragraph can be safely and confiden-  
22 tially stored. With respect to clients represented in other matters not  
23 otherwise exempt, the reporting individual may request an exemption to  
24 publicly disclosing the name of that client from the [joint] commission  
25 pursuant to ~~[paragraph (i-1) of subdivision nine of]~~ section ninety-four

26 of the executive law, or from the office of court administration. In  
27 such application, the reporting individual shall state the following:  
28 "My client is not currently receiving my services or seeking my services  
29 in connection with:

30 (i) A proposed bill or resolution in the senate or assembly during the  
31 reporting period;

32 (ii) A contract in an amount totaling \$10,000 or more from the state  
33 or any state agency for services, materials, or property;

34 (iii) A grant of \$10,000 or more from the state or any state agency  
35 during the reporting period;

36 (iv) A grant obtained through a legislative initiative during the  
37 reporting period; or

38 (v) A case, proceeding, application or other matter that is not a  
39 ministerial matter before a state agency during the reporting period."

40 In reviewing the request for an exemption, the [~~joint~~] commission or  
41 the office of court administration may consult with bar or other profes-  
42 sional associations and the legislative ethics commission for individ-  
43 uals subject to its jurisdiction and may consider the rules of profes-  
44 sional conduct. In making its determination, the [~~joint~~] commission or  
45 the office of court administration shall conduct its own inquiry and  
46 shall consider factors including, but not limited to: (i) the nature and  
47 the size of the client; (ii) whether the client has any business before  
48 the state; and if so, how significant the business is; and whether the  
49 client has any particularized interest in pending legislation and if so  
50 how significant the interest is; (iii) whether disclosure may reveal  
51 trade secrets; (iv) whether disclosure could reasonably result in retal-  
52 iation against the client; (v) whether disclosure may cause undue harm  
53 to the client; (vi) whether disclosure may result in undue harm to the  
54 attorney-client relationship; and (vii) whether disclosure may result in  
55 an unnecessary invasion of privacy to the client.

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1 The [~~joint~~] commission or, as the case may be, the office of court  
2 administration shall promptly make a final determination in response to  
3 such request, which shall include an explanation for its determination.  
4 The office of court administration shall issue its final determination  
5 within three days of receiving the request. Notwithstanding any other  
6 provision of law or any professional disciplinary rule to the contrary,  
7 the disclosure of the identity of any client or customer in response to  
8 this question shall not constitute professional misconduct or a ground  
9 for disciplinary action of any kind, or form the basis for any civil or  
10 criminal cause of action or proceeding. A reporting individual who first  
11 enters public office after January first, two thousand sixteen, need not  
12 report clients or customers with respect to matters for which the  
13 reporting individual or his or her firm was retained prior to entering  
14 public office.

15 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
16 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR  
17 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
18 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
19 SAND FIFTEEN:

20 If the reporting individual receives income of ten thousand dollars or  
21 greater from any employment or activity reportable under question 8(a),  
22 identify each registered lobbyist who has directly referred to such  
23 individual a client who was successfully referred to the reporting indi-  
24 vidual's business and from whom the reporting individual or firm  
25 received a fee for services in excess of five thousand dollars. Report  
26 only those referrals that were made to a reporting individual by direct  
27 communication from a person known to such reporting individual to be a  
28 registered lobbyist at the time the referral is made. With respect to  
29 each such referral, the reporting individual shall identify the client,  
30 the registered lobbyist who has made the referral, the category of value

31 of the compensation received and a general description of the type of  
32 matter so referred. A reporting individual need not disclose activities  
33 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and  
34 (f) of subdivision seven of section seventy-three of this article. The  
35 disclosure requirements in this question shall not require disclosing  
36 clients or customers receiving medical, pharmaceutical or dental  
37 services, mental health services, or residential real estate brokering  
38 services from the reporting individual or his or her firm or if federal  
39 law prohibits or limits disclosure. The reporting individual need not  
40 identify any client to whom he or she or his or her firm provided legal  
41 representation with respect to investigation or prosecution by law  
42 enforcement authorities, bankruptcy, family court, estate planning, or  
43 domestic relations matters, nor shall the reporting individual identify  
44 individuals represented pursuant to an insurance policy but the report-  
45 ing individual shall in such circumstances only report the entity that  
46 provides compensation to the reporting individual; with respect to  
47 matters in which the client's name is required by law to be kept confi-  
48 dential (such as matters governed by the family court act) or in matters  
49 in which the reporting individual represents or provides services to  
50 minors, the client's name may be replaced with initials. To the extent  
51 that the reporting individual, or his or her firm, provided legal repre-  
52 sentation with respect to an initial public offering, and federal law or  
53 regulations restricts the disclosure of information relating to such  
54 work, the reporting individual shall (i) disclose the identity of the  
55 client and the services provided relating to the initial public offering  
56 to the office of court administration, who will maintain such informa-  
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1 tion confidentially in a locked box; and (ii) include in his or her  
2 response a statement that pursuant to this paragraph, a disclosure to  
3 the office of court administration has been made. Upon such time that  
4 the disclosure of information maintained in the locked box is no longer  
5 restricted by federal law or regulation, the reporting individual shall  
6 disclose such information in an amended disclosure statement in response  
7 to the disclosure requirements of this paragraph. The office of court  
8 administration shall develop and maintain a secure portal through which  
9 information submitted to it pursuant to this paragraph can be safely and  
10 confidentially stored. With respect to clients represented in other  
11 matters not otherwise exempt, the reporting individual may request an  
12 exemption to publicly disclosing the name of that client from the  
13 ~~[joint] commission pursuant to [paragraph (i-1) of subdivision nine of]~~  
14 section ninety-four of the executive law, or from the office of court  
15 administration. In such application, the reporting individual shall  
16 state the following: "My client is not currently receiving my services  
17 or seeking my services in connection with:

- 18 (i) A proposed bill or resolution in the senate or assembly during the  
19 reporting period;  
20 (ii) A contract in an amount totaling \$10,000 or more from the state  
21 or any state agency for services, materials, or property;  
22 (iii) A grant of \$10,000 or more from the state or any state agency  
23 during the reporting period;  
24 (iv) A grant obtained through a legislative initiative during the  
25 reporting period; or  
26 (v) A case, proceeding, application or other matter that is not a  
27 ministerial matter before a state agency during the reporting period."

28 In reviewing the request for an exemption, the ~~[joint]~~ commission or  
29 the office of court administration may consult with bar or other profes-  
30 sional associations and the legislative ethics commission for individ-  
31 uals subject to its jurisdiction and may consider the rules of profes-  
32 sional conduct. In making its determination, the ~~[joint]~~ commission or  
33 the office of court administration shall conduct its own inquiry and  
34 shall consider factors including, but not limited to: (i) the nature and

35 the size of the client; (ii) whether the client has any business before  
 36 the state; and if so, how significant the business is; and whether the  
 37 client has any particularized interest in pending legislation and if so  
 38 how significant the interest is; (iii) whether disclosure may reveal  
 39 trade secrets; (iv) whether disclosure could reasonably result in retal-  
 40 iation against the client; (v) whether disclosure may cause undue harm  
 41 to the client; (vi) whether disclosure may result in undue harm to the  
 42 attorney-client relationship; and (vii) whether disclosure may result in  
 43 an unnecessary invasion of privacy to the client.

44 The [joint] commission or, as the case may be, the office of court  
 45 administration shall promptly make a final determination in response to  
 46 such request, which shall include an explanation for its determination.  
 47 The office of court administration shall issue its final determination  
 48 within three days of receiving the request. Notwithstanding any other  
 49 provision of law or any professional disciplinary rule to the contrary,  
 50 the disclosure of the identity of any client or customer in response to  
 51 this question shall not constitute professional misconduct or a ground  
 52 for disciplinary action of any kind, or form the basis for any civil or  
 53 criminal cause of action or proceeding. A reporting individual who first  
 54 enters public office after December thirty-first, two thousand fifteen,  
 55 need not report clients or customers with respect to matters for which  
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1 the reporting individual or his or her firm was retained prior to enter-  
 2 ing public office.

3 Client	Name of Lobbyist	Description 4 of Matter	Category of Amount (in Table 1)
5			
6			
7			
8			
9			

10 (d) List the name, principal address and general description or the  
 11 nature of the business activity of any entity in which the reporting  
 12 individual or such individual's spouse or domestic partner had an  
 13 investment in excess of \$1,000 excluding investments in securities and  
 14 interests in real property.

15 9. List each source of gifts, EXCLUDING campaign contributions, in  
 16 EXCESS of \$1,000, received during the reporting period for which this  
 17 statement is filed by the reporting individual or such individual's  
 18 spouse, domestic partner or unemancipated child from the same donor,  
 19 EXCLUDING gifts from a relative. INCLUDE the name and address of the  
 20 donor. The term "gifts" does not include reimbursements, which term is  
 21 defined in item 10. Indicate the value and nature of each such gift.

22 Self, 23 Spouse, 24 <u>Domestic</u> 25 <u>Partner</u> 26 or Child	Name of 27 Donor	Address	Nature of Gift	Category of Value of Gift (In Table I)
28				
29				
30				
31				
32				

33 10. Identify and briefly describe the source of any reimbursements for  
 34 expenditures, EXCLUDING campaign expenditures and expenditures in  
 35 connection with official duties reimbursed by the state, in EXCESS

36 of \$1,000 from each such source. For purposes of this item, the term  
37 "reimbursements" shall mean any travel-related expenses provided by  
38 nongovernmental sources and for activities related to the reporting  
39 individual's official duties such as, speaking engagements, confer-  
40 ences, or factfinding events. The term "reimbursements" does NOT  
41 include gifts reported under item 9.

42	Source	Description
43		
44		
45		
46		
47		

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1 11. List the identity and value, if reasonably ascertainable, of each  
2 interest in a trust, estate or other beneficial interest, including  
3 retirement plans (other than retirement plans of the state of New  
4 York or the city of New York), and deferred compensation plans  
5 (e.g., 401, 403(b), 457, etc.) established in accordance with the  
6 internal revenue code, in which the REPORTING INDIVIDUAL held a  
7 beneficial interest in EXCESS of \$1,000 at any time during the  
8 preceding year. Do NOT report interests in a trust, estate or other  
9 beneficial interest established by or for, or the estate of, a rela-  
10 tive.

11	Identity	Category of Value* (In Table II)
12		
13		
14		
15		
16		
17		
18		

19 \* The value of such interest shall be reported only if reasonably  
20 ascertainable.

21 12. (a) Describe the terms of, and the parties to, any contract, prom-  
22 ise, or other agreement between the reporting individual and any  
23 person, firm, or corporation with respect to the employment of such  
24 individual after leaving office or position (other than a leave of  
25 absence).

26	
27	
28	
29	
30	

31 (b) Describe the parties to and the terms of any agreement providing  
32 for continuation of payments or benefits to the REPORTING INDIVIDUAL  
33 in EXCESS of \$1,000 from a prior employer OTHER THAN the State.  
34 (This includes interests in or contributions to a pension fund,  
35 profit-sharing plan, or life or health insurance; buy-out agree-  
36 ments; severance payments; etc.)

37	
38	
39	
40	



42 13. List below the nature and amount of any income in EXCESS of \$1,000  
 43 from EACH SOURCE for the reporting individual and such individual's  
 44 spouse or domestic partner for the taxable year last occurring prior  
 45 to the date of filing. Each such source must be described with  
 46 particularity. Nature of income includes, but is not limited to, all  
 47 income (other than that received from the employment listed under  
 48 Item 2 above) from compensated employment whether public or private,  
 49 directorships and other fiduciary positions, contractual arrange-  
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1 ments, teaching income, partnerships, honorariums, lecture fees,  
 2 consultant fees, bank and bond interest, dividends, income derived  
 3 from a trust, real estate rents, and recognized gains from the sale  
 4 or exchange of real or other property. Income from a business or  
 5 profession and real estate rents shall be reported with the source  
 6 identified by the building address in the case of real estate rents  
 7 and otherwise by the name of the entity and not by the name of the  
 8 individual customers, clients or tenants, with the aggregate net  
 9 income before taxes for each building address or entity. The  
 10 receipt of maintenance received in connection with a matrimonial  
 11 action, alimony and child support payments shall not be listed.

12	Self/ Spouse <u>or Domestic Partner</u>	Source	Nature	Category of Amount (In Table I)
13				
14				
15				
16				
17				
18				
19				
20				

21 14. List the sources of any deferred income (not retirement income) in  
 22 EXCESS of \$1,000 from each source to be paid to the reporting indi-  
 23 vidual following the close of the calendar year for which this  
 24 disclosure statement is filed, other than deferred compensation  
 25 reported in item 11 hereinabove. Deferred income derived from the  
 26 practice of a profession shall be listed in the aggregate and shall  
 27 identify as the source, the name of the firm, corporation, partner-  
 28 ship or association through which the income was derived, but shall  
 29 not identify individual clients.

30	Source	Category of Amount (In Table I)
31		
32		
33		
34		
35		
36		
37		

38 15. List each assignment of income in EXCESS of \$1,000, and each trans-  
 39 fer other than to a relative during the reporting period for which  
 40 this statement is filed for less than fair consideration of an  
 41 interest in a trust, estate or other beneficial interest, securities  
 42 or real property, by the reporting individual, in excess of \$1,000,  
 43 which would otherwise be required to be reported herein and is not  
 44 or has not been so reported.

45	Item Assigned	Assigned or	Category
46	or Transferred	Transferred to	of Value
47			(In Table I)
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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 16. List below the type and market value of securities held by the  
7 reporting individual or such individual's spouse or domestic partner  
8 from each issuing entity in EXCESS of \$1,000 at the close of the  
9 taxable year last occurring prior to the date of filing, including  
10 the name of the issuing entity exclusive of securities held by the  
11 reporting individual issued by a professional corporation. Whenever  
12 an interest in securities exists through a beneficial interest in a  
13 trust, the securities held in such trust shall be listed ONLY IF the  
14 reporting individual has knowledge thereof except where the report-  
15 ing individual or the reporting individual's spouse or domestic  
16 partner has transferred assets to such trust for his or her benefit  
17 in which event such securities shall be listed unless they are not  
18 ascertainable by the reporting individual because the trustee is  
19 under an obligation or has been instructed in writing not to  
20 disclose the contents of the trust to the reporting individual.  
21 Securities of which the reporting individual or the reporting indi-  
22 vidual's spouse or domestic partner is the owner of record but in  
23 which such individual or the reporting individual's spouse or domes-  
24 tic partner has no beneficial interest shall not be listed. Indi-  
25 cate percentage of ownership ONLY if the reporting person or the  
26 reporting person's spouse or domestic partner holds more than five  
27 percent (5%) of the stock of a corporation in which the stock is  
28 publicly traded or more than ten percent (10%) of the stock of a  
29 corporation in which the stock is NOT publicly traded. Also list  
30 securities owned for investment purposes by a corporation more than  
31 fifty percent (50%) of the stock of which is owned or controlled by  
32 the reporting individual or such individual's spouse or domestic  
33 partner. For the purpose of this item the term "securities" shall  
34 mean mutual funds, bonds, mortgages, notes, obligations, warrants  
35 and stocks of any class, investment interests in limited or general  
36 partnerships and certificates of deposits (CDs) and such other  
37 evidences of indebtedness and certificates of interest as are usual-  
38 ly referred to as securities. The market value for such securities  
39 shall be reported only if reasonably ascertainable and shall not be  
40 reported if the security is an interest in a general partnership  
41 that was listed in item 8 (a) or if the security is corporate stock,  
42 NOT publicly traded, in a trade or business of a reporting individ-  
43 ual or a reporting individual's spouse or domestic partner.

44		Percentage	
45		of corporate	
46		stock owned	
47		or controlled	Category of
48		(if more than	Market Value
49		5% of pub-	as of the close
50		licly traded	of the
51		stock, or	taxable year
52		more than	last occurring
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4 19. List below all liabilities of the reporting individual and such  
 5 individual's spouse or domestic partner, in EXCESS of \$10,000 as of  
 6 the date of filing of this statement, other than liabilities to a  
 7 relative. Do NOT list liabilities incurred by, or guarantees made  
 8 by, the reporting individual or such individual's spouse or domestic  
 9 partner or by any proprietorship, partnership or corporation in  
 10 which the reporting individual or such individual's spouse or domes-  
 11 tic partner has an interest, when incurred or made in the ordinary  
 12 course of the trade, business or professional practice of the  
 13 reporting individual or such individual's spouse or domestic  
 14 partner. Include the name of the creditor and any collateral  
 15 pledged by such individual to secure payment of any such liability.  
 16 A reporting individual shall not list any obligation to pay mainte-  
 17 nance in connection with a matrimonial action, alimony or child  
 18 support payments. Any loan issued in the ordinary course of business  
 19 by a financial institution to finance educational costs, the cost of  
 20 home purchase or improvements for a primary or secondary residence,  
 21 or purchase of a personally owned motor vehicle, household furniture  
 22 or appliances shall be excluded. If any such reportable liability  
 23 has been guaranteed by any third person, list the liability and name  
 24 the guarantor.

25 26 27 28	Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount (In Table II)
29	_____		
30	_____		
31	_____		
32	_____		
33	_____		

34 The requirements of law relating to the reporting of financial  
 35 interests are in the public interest and no adverse inference of  
 36 unethical or illegal conduct or behavior will be drawn merely from  
 37 compliance with these requirements.

38 \_\_\_\_\_  
 39 (Signature of Reporting Individual) Date (month/day/year)

40 TABLE I

41	Category A	none	
42	Category B	\$ 1 to under \$	1,000
43	Category C	\$ 1,000 to under \$	5,000
44	Category D	\$ 5,000 to under \$	20,000
45	Category E	\$ 20,000 to under \$	50,000
46	Category F	\$ 50,000 to under \$	75,000
47	Category G	\$ 75,000 to under \$	100,000
48	Category H	\$ 100,000 to under \$	150,000
49	Category I	\$ 150,000 to under \$	250,000
50	Category J	\$ 250,000 to under \$	350,000
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1	Category K	\$ 350,000 to under \$	450,000
2	Category L	\$ 450,000 to under \$	550,000
3	Category M	\$ 550,000 to under \$	650,000
4	Category N	\$ 650,000 to under \$	750,000
5	Category O	\$ 750,000 to under \$	850,000
6	Category P	\$ 850,000 to under \$	950,000
7	Category Q	\$ 950,000 to under \$	1,050,000
8	Category R	\$ 1,050,000 to under \$	1,150,000

9	Category S	\$1,150,000	to under	\$1,250,000
10	Category T	\$1,250,000	to under	\$1,350,000
11	Category U	\$1,350,000	to under	\$1,450,000
12	Category V	\$1,450,000	to under	\$1,550,000
13	Category W	\$1,550,000	to under	\$1,650,000
14	Category X	\$1,650,000	to under	\$1,750,000
15	Category Y	\$1,750,000	to under	\$1,850,000
16	Category Z	\$1,850,000	to under	\$1,950,000
17	Category AA	\$1,950,000	to under	\$2,050,000
18	Category BB	\$2,050,000	to under	\$2,150,000
19	Category CC	\$2,150,000	to under	\$2,250,000
20	Category DD	\$2,250,000	to under	\$2,350,000
21	Category EE	\$2,350,000	to under	\$2,450,000
22	Category FF	\$2,450,000	to under	\$2,550,000
23	Category GG	\$2,550,000	to under	\$2,650,000
24	Category HH	\$2,650,000	to under	\$2,750,000
25	Category II	\$2,750,000	to under	\$2,850,000
26	Category JJ	\$2,850,000	to under	\$2,950,000
27	Category KK	\$2,950,000	to under	\$3,050,000
28	Category LL	\$3,050,000	to under	\$3,150,000
29	Category MM	\$3,150,000	to under	\$3,250,000
30	Category NN	\$3,250,000	to under	\$3,350,000
31	Category OO	\$3,350,000	to under	\$3,450,000
32	Category PP	\$3,450,000	to under	\$3,550,000
33	Category QQ	\$3,550,000	to under	\$3,650,000
34	Category RR	\$3,650,000	to under	\$3,750,000
35	Category SS	\$3,750,000	to under	\$3,850,000
36	Category TT	\$3,850,000	to under	\$3,950,000
37	Category UU	\$3,950,000	to under	\$4,050,000
38	Category VV	\$4,050,000	to under	\$4,150,000
39	Category WW	\$4,150,000	to under	\$4,250,000
40	Category XX	\$4,250,000	to under	\$4,350,000
41	Category YY	\$4,350,000	to under	\$4,450,000
42	Category ZZ	\$4,450,000	to under	\$4,550,000
43	Category AAA	\$4,550,000	to under	\$4,650,000
44	Category BBB	\$4,650,000	to under	\$4,750,000
45	Category CCC	\$4,750,000	to under	\$4,850,000
46	Category DDD	\$4,850,000	to under	\$4,950,000
47	Category EEE	\$4,950,000	to under	\$5,050,000
48	Category FFF	\$5,050,000	to under	\$5,150,000
49	Category GGG	\$5,150,000	to under	\$5,250,000
50	Category HHH	\$5,250,000	to under	\$5,350,000
51	Category III	\$5,350,000	to under	\$5,450,000
52	Category JJJ	\$5,450,000	to under	\$5,550,000
53	Category KKK	\$5,550,000	to under	\$5,650,000
54	Category LLL	\$5,650,000	to under	\$5,750,000
55	Category MMM	\$5,750,000	to under	\$5,850,000
56	Category NNN	<del>[\$5,580,000]</del> <u>\$5,850,000</u>	to under	\$5,950,000

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1	Category OOO	\$5,950,000	to under	\$6,050,000
2	Category PPP	\$6,050,000	to under	\$6,150,000
3	Category QQQ	\$6,150,000	to under	\$6,250,000
4	Category RRR	\$6,250,000	to under	\$6,350,000
5	Category SSS	\$6,350,000	to under	\$6,450,000
6	Category TTT	\$6,450,000	to under	\$6,550,000
7	Category UUU	\$6,550,000	to under	\$6,650,000
8	Category VVV	\$6,650,000	to under	\$6,750,000
9	Category WWW	\$6,750,000	to under	\$6,850,000
10	Category XXX	\$6,850,000	to under	\$6,950,000
11	Category YYY	\$6,950,000	to under	\$7,050,000
12	Category ZZZ	\$7,050,000	to under	\$7,150,000

13	Category AAAA	\$7,150,000	to under	\$7,250,000
14	Category BBBB	\$7,250,000	to under	\$7,350,000
15	Category CCCC	\$7,350,000	to under	\$7,450,000
16	Category DDDD	\$7,450,000	to under	\$7,550,000
17	Category EEEE	\$7,550,000	to under	\$7,650,000
18	Category FFFF	\$7,650,000	to under	\$7,750,000
19	Category GGGG	\$7,750,000	to under	\$7,850,000
20	Category HHHH	\$7,850,000	to under	\$7,950,000
21	Category IIII	\$7,950,000	to under	\$8,050,000
22	Category JJJJ	\$8,050,000	to under	\$8,150,000
23	Category KKKK	\$8,150,000	to under	\$8,250,000
24	Category LLLL	\$8,250,000	to under	\$8,350,000
25	Category MMMM	\$8,350,000	to under	\$8,450,000
26	Category NNNN	\$8,450,000	to under	\$8,550,000
27	Category OOOO	\$8,550,000	to under	\$8,650,000
28	Category PPPP	\$8,650,000	to under	\$8,750,000
29	Category QQQQ	\$8,750,000	to under	\$8,850,000
30	Category RRRR	\$8,850,000	to under	\$8,950,000
31	Category SSSS	\$8,950,000	to under	\$9,050,000
32	Category TTTT	\$9,050,000	to under	\$9,150,000
33	Category UUUU	\$9,150,000	to under	\$9,250,000
34	Category VVVV	\$9,250,000	to under	\$9,350,000
35	Category WWWW	\$9,350,000	to under	\$9,450,000
36	Category XXXX	\$9,450,000	to under	\$9,550,000
37	Category YYYYY	\$9,550,000	to under	\$9,650,000
38	Category ZZZZ	\$9,650,000	to under	\$9,750,000
39	Category AAAAA	\$9,750,000	to under	\$9,850,000
40	Category BBBBB	\$9,850,000	to under	\$9,950,000
41	Category CCCCC	\$9,950,000	to under	\$10,000,000
42	Category DDDDD	\$10,000,000	or over	

43			TABLE II	
44	Category A		none	
45	Category B	\$	1	to under \$ 1,000
46	Category C	\$	1,000	to under \$ 5,000
47	Category D	\$	5,000	to under \$ 20,000
48	Category E	\$	20,000	to under \$ 50,000
49	Category F	\$	50,000	to under \$ 75,000
50	Category G	\$	75,000	to under \$ 100,000
51	Category H	\$	100,000	to under \$ 150,000
52	Category I	\$	150,000	to under \$ 250,000
53	Category J	\$	250,000	to under \$ 500,000
54	Category K	\$	500,000	to under \$ 750,000
55	Category L	\$	750,000	to under \$1,000,000

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1	Category M	\$1,000,000	to under	\$1,250,000
2	Category N	\$1,250,000	to under	\$1,500,000
3	Category O	\$1,500,000	to under	\$1,750,000
4	Category P	\$1,750,000	to under	\$2,000,000
5	Category Q	\$2,000,000	to under	\$2,250,000
6	Category R	\$2,250,000	to under	\$2,500,000
7	Category S	\$2,500,000	to under	\$2,750,000
8	Category T	\$2,750,000	to under	\$3,000,000
9	Category U	\$3,000,000	to under	\$3,250,000
10	Category V	\$3,250,000	to under	\$3,500,000
11	Category W	\$3,500,000	to under	\$3,750,000
12	Category X	\$3,750,000	to under	\$4,000,000
13	Category Y	\$4,000,000	to under	\$4,250,000
14	Category Z	\$4,250,000	to under	\$4,500,000
15	Category AA	\$4,500,000	to under	\$4,750,000
16	Category BB	\$4,750,000	to under	\$5,000,000

17 Category CC \$5,000,000 to under \$5,250,000  
18 Category DD \$5,250,000 to under \$5,500,000  
19 Category EE \$5,500,000 to under \$5,750,000  
20 Category FF \$5,750,000 to under \$6,000,000  
21 Category GG \$6,000,000 to under \$6,250,000  
22 Category HH \$6,250,000 to under \$6,500,000  
23 Category II \$6,500,000 to under \$6,750,000  
24 Category JJ \$6,750,000 to under \$7,000,000  
25 Category KK \$7,000,000 to under \$7,250,000  
26 Category LL \$7,250,000 to under \$7,500,000  
27 Category MM \$7,500,000 to under \$7,750,000  
28 Category NN \$7,750,000 to under \$8,000,000  
29 Category OO \$8,000,000 to under \$8,250,000  
30 Category PP \$8,250,000 to under \$8,500,000  
31 Category QQ \$8,500,000 to under \$8,750,000  
32 Category RR \$8,750,000 to under \$9,000,000  
33 Category SS \$9,000,000 to under \$9,250,000  
34 Category TT \$9,250,000 to under \$9,500,000  
35 Category UU \$9,500,000 or over

36 § 19. This act shall take effect on the ninetieth day after it shall  
37 have become a law.