

**NEW YORK STATE  
JOINT COMMISSION ON PUBLIC ETHICS**



**2012  
ANNUAL REPORT**

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# INVESTIGATIONS AND ENFORCEMENT



## *Overview*

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The Commission is charged with investigating potential violations of the state's ethics laws (Public Officers Law §§73, 73-a, and 74), the "Little Hatch Act" (Civil Rights Law §107), and the Lobbying Act (Legislative Law article 1-A). Under PIRA, the Commission's enforcement authority was expanded beyond any predecessor agency's jurisdiction. The Commission has jurisdiction to investigate violations of law by members of or candidates for the Legislature and legislative employees, as well as by the four statewide elected officials, candidates for those offices, executive branch state employees, certain political party chairs, lobbyists, and their clients.

Under Executive Law §94, to pursue an enforcement action, the Commission must determine whether there is a substantial basis to conclude that a violation of law occurred. If the Commission makes such a finding, then it issues a "Substantial Basis Investigation Report". The Substantial Basis Investigation Report alleges a violation of the law and becomes a public document.

In the event that the Commission finds a substantial basis to conclude that such a violation has occurred by members of or candidates for the Legislature and legislative employees, it presents its Substantial Basis Investigation Report to the Legislative Ethics Commission, which may then assess penalties pursuant to its own adjudicatory regulations which are available on its website.

The Commission has jurisdiction to enforce penalties for alleged violations by executive branch officers and employees, lobbyists, and clients. In 2012, the Commission promulgated new regulations governing the conduct of adjudicatory proceedings relating to the assessment of civil penalties. Among other significant changes, to ensure fairness of the proceedings, the regulations provide that adjudications will be conducted by independent hearing officers who will be selected randomly from a pool of hearing officers.

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These regulations also cover appeals taken from hearing officer final decisions, and appeals of denials of requests to delete or exempt certain information from a FDS.

In 2012, the Commission published procedures for filing sworn complaints alleging violations of the Public Officers Law or the Lobbying Act, which are available on the Commission's website. [Click here to view the procedures for filing a sworn complaint.](#) The Investigations Division also established internal procedures for intake and review of all tips and complaints and is in the process of creating a new case management system.

### ***2012 Review and Disposition of Investigative Matters***

In 2012, the Commission reviewed more than 300 potential matters, including at least 60 investigative matters that were transferred to the Commission from the former Commission on Public Integrity. The Commission commenced 48 substantial basis investigations in 2012. As of the date of this report, the Commission has 47 open investigations and 61 matters pending review. In 2012, the Commission resolved 27 enforcement actions that resulted in settlements and penalties totaling more than \$52,000. These dispositions are summarized in the following chart.

NAME	VIOLATION CHARGED	AMOUNT PAID/OWED	<u>OUTCOME</u>	DATE
Kenneth Plummer d/b/a Kensworth Consulting	Legislative Law 1-A §§1-e & 1-h	\$2,000	Settled	12/28/2012
James Ludlam	POL §73(8)(a)(ii)	\$250	Settled	12/21/2012
Peter Kiernan	POL §73(8)(a)(iv)	\$3,500	Settled	12/17/2012
Phusion Projects, LLC	Legislative Law 1-A §1-j	\$1,000	Settled	12/24/2012
Metatomix, Inc.	Legislative Law 1-A §1-j	\$1,000	Settled	12/14/2012

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Imagedoc USA	Legislative Law 1-A §1-j	\$1,000	Settled	8/28/2012
Manheim Auctions, Inc.	Legislative Law 1-A §1-j	\$2,500	Settled	8/28/2012
NYC Central Labor Council	Legislative Law 1-A §1-j	\$2,500	Settled	8/28/2012
Small Hotel Owners Association, Inc.	Legislative Law 1-A §1-j	\$1,500	Settled	8/28/2012
McCarton Foundation	Legislative Law 1-A §1-j	\$1,000	Settled	7/26/2012
NYS Coalition against Domestic Violence	Legislative Law 1-A §1-j	\$1,500	Settled	7/26/2012
O'Connor Capital Partners	Legislative Law 1-A §1-j	\$2,500	Settled	7/26/2012
Govdelivery, Inc.	Legislative Law 1-A §1-j	\$2,500	Settled	7/3/2012
Redflex Traffic Systems	Legislative Law 1-A §1-j	\$1,500	Settled	7/3/2012
360 Brooklyn Investors	Legislative Law 1-A §1-j	\$2,000	Settled	6/26/2012
Atlantis Health Plan	Legislative Law 1-A §1-j	\$3,000	Settled	6/26/2012
Comverge, Inc.	Legislative Law 1-A §1-j	\$4,000	Settled	6/26/2012
Liquid Asphalt Distributors Association Inc., of New York	Legislative Law 1-A §1-j	\$500	Settled	6/26/2012
The Leser Group	Legislative Law 1-A §1-j	\$2,500	Settled	6/26/2012
David Wilcox	POL §73(8)(a)(i) &(ii); §73(5)(a); 74(3)(d) & (h)	\$1,300	Settled	6/26/2012
Titan Outdoor, LLC	Legislative Law 1-A §1-j	\$2,500	Settled	6/26/2012
Community Redemption Center	Legislative Law 1-A §1-j	\$2,500	Assessed	1/31/2012

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<b>Housing Works, Inc.</b>	<b>Legislative Law 1-A §1-j</b>	<b>\$3,000</b>	<b>Assessed</b>	<b>1/31/2012</b>
<b>Imagedoc USA</b>	<b>Legislative Law 1-A §1-j</b>	<b>\$500</b>	<b>Settled</b>	<b>1/31/2012</b>
<b>S&amp;L Birchwood</b>	<b>Legislative Law 1-A §1-j</b>	<b>\$1,500</b>	<b>Assessed</b>	<b>1/31/2012</b>
<b>YL Management</b>	<b>Legislative Law 1-A §1-j</b>	<b>\$600</b>	<b>Assessed</b>	<b>1/31/2012</b>
<b>Robin Korherr</b>	<b>POL §74(3)(d)(f) &amp; (h)</b>	<b>\$4000</b>	<b>Assessed</b>	<b>1/11/2012</b>