

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



**2014  
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 Service Law §107), and the Lobbying Act (Legislative Law article 1-A). The Commission has jurisdiction to investigate violations of law by the four statewide elected officials, candidates for those offices, executive branch employees, members of or candidates for the Legislature and legislative branch employees, certain political party chairs, lobbyists, and their clients.

Investigations may be conducted on the Commission's own initiative, based on referrals from other governmental entities, or in response to information provided by the public. The Commission's procedures for submitting tips and filing complaints alleging violations of the Public Officers Law or the Lobbying Act are available on the Commission's website. In 2014, the Commission also launched a new website and hotline (1-800-87-ETHICS) for the reporting of misconduct at [www.reportmisconduct.ny.gov](http://www.reportmisconduct.ny.gov).

Under Executive Law §94, prior to commencing an investigation, the Commission must provide the person or entity subject to the Commission's jurisdiction with notice of any alleged violation of law and a fifteen-day period in which to respond to such allegations. This notice is commonly referred to as a "fifteen-day letter." The Commission must then vote on whether or not to commence a full investigation to determine whether a substantial basis exists to conclude that a violation of law has occurred.

If the Commission votes to commence an investigation, the person or entity subject to the Commission's jurisdiction will be provided with notice and an opportunity to respond in writing to the allegations. After conducting an investigation, 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 publicly issues a "Substantial Basis Investigation Report" which sets forth the alleged violations of law.

The Commission has jurisdiction to enforce penalties for violations by executive branch officers and employees, lobbyists, and clients. The Commission has issued regulations governing the conduct of adjudicatory proceedings relating to the assessment of civil penalties. To ensure fairness of the proceedings, adjudications are conducted by independent hearing officers who are selected randomly from a pool of hearing officers. These regulations also cover appeals taken from hearing officer final decisions, and appeals of denials of requests to delete or exempt certain information from an FDS. 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 LEC, which may then assess penalties pursuant to its own adjudicatory regulations that are available on its website at [www.legethics.com](http://www.legethics.com).

Information concerning the Commission's enforcement actions, including its settlement agreements, is published on the Commission's website.

### ***2014 Review and Disposition of Investigative Matters***

In 2014, the Commission reviewed over 200 potential matters. In general, allegations cover a broad range of potential violations of the Public Officers Law, including failure to file annual financial disclosure statements, conflicts of interests, improper gifts, nepotism, and post-employment issues. In addition, some matters involved possible violations of the Lobbying Act, including failure to register as a lobbyist and failure to submit required filings.

In 2014, the Commission issued 52 fifteen-day letters. As discussed below, many of these matters were resolved through settlement agreements, but five are continuing investigations. At the end of 2014, the Commission had 10 open investigations and 70 matters pending review.

In 2014, the Commission’s investigations and enforcement actions resulted in penalties totaling approximately \$58,572. The Commission settled 28 matters: 26 involving the Public Officers Law and 2 involving the Lobbying Act. These enforcement actions involved a range of violations, including abuse of office, nepotism, accepting prohibited gifts, violations of the post-employment restrictions, disclosing confidential information, and failing to file required disclosures with the Commission. The Commission also conducted three public hearings on enforcement actions under the Lobbying Act.

Not all investigative matters warrant enforcement action. In some cases, based on the facts, the Commission concluded that the public interest would be better served by providing education and guidance to prevent future violations. In 2014, the Commission exercised its discretion to resolve some investigative matters with “guidance letters” setting forth the appropriate legal and regulatory considerations to guide future conduct.

The Commission continues to develop relationships with law enforcement partners and also has entered into ongoing dialogues with agencies, agency counsel, ethics officers, and other agency personnel. The Commission also collaborates with State agencies to efficiently resolve disciplinary matters that involve violations under the Commission’s jurisdiction.

A chart summarizing all of the Commission’s enforcement activity in 2014 follows below.

***2014 Enforcement Actions***

NAME	VIOLATION CHARGED	AMOUNT PAID/OWED	OUTCOME	DATE
Larry Selan	Public Officers Law §74(3)(d)	\$2,000	Settled	1/27/2014
S. Helen Daniels	Public Officers Law §73(7)	\$5,000	Settled	2/4/2014

Mohammed Baalbaki	Public Officers Law §74(3)(d)	\$1,500	Settled	3/13/2014
Antonio Cabrera	Public Officers Law §74(3)(c)	\$2,000	Settled	3/13/2014
John Sieber	Public Officers Law §73(8)	\$2,500	Settled	5/12/2014
Michael Partigianoni	Public Officers Law §73(5)(a)	\$4,672	Settled	6/12/2014
Glen LaFave	Public Officers Law §74(3)(d)	\$5,000	Settled	6/30/2014
David Ellenhorn	19 NYCRR §930.6	\$0	Settled	7/23/2014
Ron Edelstein	Legislative Law 1-A §1-j	\$2,000	Settled	8/4/2014
Sherry Herrington	Public Officers Law §73(14)(a)	\$3,500	Settled	8/26/2014
Rotate Black	Legislative Law 1-A §1-j	\$2,000	Settled	9/10/2014
Community Redemption Center	Legislative Law 1-A §1-j	\$15,000	Decision & Civil Assessment	11/25/2014
Blackboard, Inc.	Legislative Law 1-A §1-j	\$9,000	Decision & Civil Assessment	11/25/2014
Various FDS Filers	Public Officers Law §73-a	\$4,400	Settled	12/29/2014