

July 31, 2018
Chris Briggs

Ethics commissioner wants option to make status of probes public



IMAGE 1 OF 7

Buy Photo

Executive director, Seth Agata, center, and members of the New York State Joint Commission on Public Ethics during a vote Tuesday April 24, 2018 in Albany, NY. (John Carl D'Annibale/Times Union)

- ▶ ALBANY — Over its seven-year lifespan, many people have filed complaints with the Joint Commission on Public Ethics only to never hear anything about whether the state ethics watchdog panel had actually pursued them.

In response to media criticism over that aspect of its operations, JCOPE commissioner Jim Yates suggested at its monthly meeting on Tuesday the introduction of a new law that would allow the commission to legally confirm whether an investigation was indeed being pursued in some instances.

Currently, JCOPE commissioners maintain, they are prohibited from doing so by confidentiality laws.

ADVERTISEMENT

AdChoices

MOVING FORWARD
FIGHTING BACK
CUOMO
FOR GOVERNOR
PAID FOR BY ANDREW CUOMO 2018

The proposal was made days after Republican gubernatorial candidate Marc Molinaro and state Republican Chairman Ed Cox filed a lawsuit against JCOPE in state Supreme Court in Albany. Filed Friday, the suit asks a judge to force JCOPE to reveal whether the agency is pursuing the Republicans' ethics complaints concerning Gov. Andrew Cuomo and a former top aide, Joe Percoco, who was convicted on corruption charges in March.

FROM OUR SPONSOR CONTINUE FOR MORE CONTENT

SAMSUNG
Come play at the Galaxy Studio.
Find the closest Galaxy Studio near you.



After a complaint is filed, the Republicans say the law clearly requires JCOPE's commissioners to take a vote within 60 days on whether or not to begin a probe, and that the body must inform a complainant within 15 days if an investigation has been closed.

Related Stories

- State resources went to Cuomo campaign effort, records show
- Is ethics agency probing Cuomo? Republican challenger sues to find out
- Editorial: The ethical sub-standard

After filing complaints earlier this year, neither Cox nor Molinaro have heard anything back from the panel, which has been criticized for its perceived closeness to the Cuomo administration.

Under the proposal described by Yates — a former longtime counsel to ex-Assembly Speaker Sheldon Silver who was appointed to JCOPE by current Speaker Carl Heastie — JCOPE could publicly confirm that a probe is underway if it stems from a complaint that has been made public by the person or entity who filed it.

Molinaro and Cox publicly issued statements this spring about their complaints to JCOPE, which alleged that Percoco had broken state law by using public resources for Cuomo's 2014 re-election campaign, and that Cuomo may have known.

After such a complaint is lodged, Yates said the inquiry should be "heard" of by the person who is potentially its subject. Then JCOPE's members could vote to allow the body's chair (or spokesman) to publicly answer questions about whether an investigation is active or inactive, or has been "deferred."

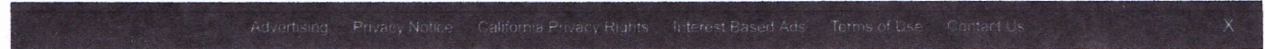
A deferment would take place if a law enforcement investigation into the same matter were ongoing. That probe would take precedence over JCOPE's civil investigation.

Yates' proposal likely faces long odds in the state Legislature, whose members would have to agree to allow more information to become public about investigations into lawmakers themselves.

In addition, David Grandeau, the state's former top lobbying official, argued the Executive Law already gives JCOPE the power — if they actually want to use it — to make such information public with a majority vote of the commissioners.

In 2015, several months before launching his presidential bid, Donald J. Trump sued JCOPE successfully on the same grounds as Cox and Molinaro.

Their attorney, Michael J. Hutter, appeared on "Focus on the State Capitol" on Talk 1300 on Tuesday and said he had asked JCOPE to respond to the lawsuit by Aug. 24. The timeline could be crucial, given the sensitivity of a possible JCOPE investigation into the governor during election



Hutter said that there was no indication that JCOPE was pursuing the Molinaro-Cox complaints.

"It's just a total, absolute silence," he said.

In a statement on Tuesday, Molinaro — currently serving as Dutchess County executive — noted that JCOPE's executive director, Seth Agata, is a former counsel in Cuomo's office and argued the panel "may have willfully ignored gross violations of state campaign and public officer's laws" by the governor.

Molinaro said it's not clear that the Manhattan district attorney's office, which Cox has also asked to launch a criminal investigation, has done anything, either.

"The public needs to know if the justice system is being applied evenly in New York," Molinaro said.

Testimony and evidence in Percoco's March corruption trial revealed that the former aide had extensive access to his former Executive Chamber office in Manhattan during an eight-month period in 2014 when he had quit his official post to run Cuomo's 2014 re-election campaign.

Records obtained by the Times Union show that Percoco's state phone was used 68 times to call the governor's campaign office, and often used to call Cuomo campaign consultants and his election lawyer.

The complaint filed by Cox and Molinaro also asked for an inquiry into whether Cuomo knew of those activities. The governor was present during instances when Percoco's phone was used to make campaign-related calls, records show.

Cuomo has said he believed Percoco was doing work to "transition" work out of his former position as executive deputy secretary. Percoco's lawyer says he never made campaign-related calls, but swipe card records show he was often present when his phone was used to call the Cuomo campaign office.

Recommended For You

Florida woman charged for unlicensed gun at Albany airport

Police identify motorcyclist killed in Colonie crash

You May Like

Veterinarian: Add This One Thing To Your Dog's Food To Help Them Be Healthier

Ultimate Pet Nutrition

30 Old Toys Worth a Fortune

IcePop

Sponsored Links

Doris Day Is Almost 100 And She Keeps Herself Super Fit

MilitaryBud

Terrified Bunny Left Alone With Cat Who Does The Unexpected

Fallbrook24/7

Luxury Assisted Living Near White Plains Has Seniors Packing Up Suitcases

Assisted Living | Sponsored

Sponsored Links

Recommended For You

SEEN: Luke Bryan at SPAC