BY FAX AND FIRST CLASS MAIL

Honorable Andrew Cuomo  Honorable Brian Kolb
Governor  Minority Leader
State of New York  New York State Assembly
Executive Chamber  Legislative Office Building, Room 933
Capitol Building  Albany, New York 12248
Albany, New York 12224

Honorable Sheldon Silver  Honorable Dean Skelos
Speaker  Majority Leader
New York State Assembly  New York State Senate
Legislative Office Building, Room 932  Legislative Office Building, Room 909
Albany, New York 12248  Albany, New York 12247

Honorable Andrea Stewart-Cousins
Democratic Conference Leader
New York State Senate
Legislative Office Building, Room 907
Albany, New York 12247

Re: Failure to Appoint the Commission to Review Work of JCOPE and the LEC

January 13, 2015

Dear Governor and Legislative Leaders:

As you know, Section 21 of Part A of Chapter 399 of the Laws of 2011 mandates the establishment of a Review Commission of eight members to review and evaluate the activities and performance of the Joint Commission on Public Ethics and the Legislative Ethics Commission. The Review Commission is also charged with making legislative and administrative recommendations to the Governor and the legislature for strengthening the administration and enforcement of ethics laws in New York State. The text of that legal mandate is set forth in the footnote.1 Section 21 specifies, among other things, that those appointments

1 “No later than June 1, 2014, the governor and the legislative leaders shall jointly appoint a review commission to review and evaluate the activities and performance of the joint commission on public ethics and the legislative ethics commission in implementing the provisions of this act. On or before March 1, 2015, the review commission shall report to the governor and the legislature on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the ethics law in New York state. The review commission shall be comprised of eight members and the governor and the legislative leaders shall jointly designate a chair from among the members.”
were to be made jointly by the Governor and the Legislative Leaders no later than June 1, 2014. Unfortunately, those appointments have yet to be made by you as the collective appointing authority.

The New York City Bar Association wrote to each of you on July 9, 2014 – nearly six months ago – noting that the timetable set by Section 21 had passed and calling for the statutory appointments to the Review Commission to be made promptly. As of this date, the Association has not received any response to that communication.

Consistent with the New York City Bar Association’s July 9, 2014 letter, and in light of your failure to respond, the Association and Common Cause New York now again call for appointments to be made by the Governor and the legislative leaders as the appointing authority. It is in the interests of the State for you to fulfill the mandatory duties imposed by Section 21 of Part A of Chapter 399 of Laws of 2011 not only to further the cause of government integrity but also to end the vulnerability to litigation over your failure to appoint.

The fresh start of the new legislative session affords the ideal time to appoint the members of the Review Commission, and we urge that such action take place promptly. In all events, a joint response to this demand would be greatly appreciated.

Respectfully submitted,

Susan Lerner
Executive Director Common Cause New York

Benton J. Campbell
Chair, Committee on Government Ethics
New York City Bar Association

cc: Attorney General: Eric. T. Schneiderman  
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