



NEW YORK
CITY BAR

COMMITTEE ON GOVERNMENT ETHICS

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New York Ethics Review Commission
c/o 57 Worth St., Rm E216
New York, NY 10013

Dear Members of the Review Commission,

Thank you again for giving us an opportunity to be heard at the October 14, 2015 hearing. We believe that it was a valuable and productive chance for the public to provide its views on the structure and effectiveness of the Joint Commission on Public Ethics (“JCOPE”), and we look forward to the continued work of the Review Commission on this important subject.

I write to provide follow-up comments on two topics that arose at the hearing. As you may recall, during the testimony of Messrs. Davis and Karson, there was some confusion about whether the scope of the Review Commission’s mandate was limited solely to improvements JCOPE could make under existing law or whether the Review Commission could go further and recommend legislative changes that would make JCOPE a more effective institution.

We believe that the mandate of the Review Commission very clearly includes proposing legislation. Section 21 of chapter 399 of the Laws of 2011, which created JCOPE and called for the appointment of the Review Commission, mandates that the report of the Review Commission cover both ‘administrative and legislative’ recommendations:

§ 21. 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.” (Emphasis added)

The City Bar has been consistent in advocating, as we did in our testimony, that there is much JCOPE can accomplish without the need for new legislation. Indeed, together with Common Cause/New York, we laid out those action items in detail in our March 2014 Report “Hope for JCOPE” and as part of our written hearing testimony. Unfortunately, JCOPE has elected not to take these steps, and in some cases has chosen instead to call for legislative authorization that may well never come. We believe that JCOPE’s reluctance to act on reforms that are already within its power strongly reinforces the need for the more significant structural legislative changes we recommended, and which were summarized in Mr. Karson’s testimony, to secure JCOPE’s enforcement independence in both fact and appearance. Accordingly, we hope that the Review Commission considers all options, including legislative change, in its review and recommendations.

In addition, we believe the Review Commission has good cause to request an extension of the current November 1 deadline for report submission set by the Governor and the Legislative Leaders when the Commission members were appointed this past May. The November 1 deadline falls well short of the nine month period originally set forth in the enabling statute and, we believe, artificially and detrimentally compresses the time needed to examine the many aspects of JCOPE’s mandate and performance. We therefore urge that the Review Commission ask the Governor and the Legislative Leaders to extend the November 1 deadline by three months to February 1, 2015, and thus affording the Review Commission the originally intended allotment of time for the completion of its work.

Respectfully,



Benton J. Campbell

Cc: Hon. Andrew Cuomo
Hon. John Flanagan
Hon. Carl Heastie
Hon. Jeff Klein