



May 24, 2021

VIA EMAIL

Senate Majority Leader Andrea Stewart-Cousins
Senate Minority Leader Robert Ort

Assembly Speaker Carl Heastie
Assembly Minority Leader William Barclay

Re: Need for immediate improvements to state ethics enforcement while consideration is given to constitutional reforms

Dear Legislative Leaders,

With the end of session nearing, our groups write to you to ask that you take both immediate and long-term steps to address the current public confidence crisis in the state’s handling of ethical misconduct and issues related to the abuse of power. The public has lost confidence in the ability of the Joint Commission on Public Ethics (JCOPE) and State Inspector General to address issues of conflicts of interest, sexual harassment, and misuse of state resources such as those raised in the allegations against the Governor. We fundamentally believe that JCOPE needs a total overhaul: one that will require a constitutional amendment. In the meantime, other incremental actions must be taken. Therefore, we ask you, the leaders of the Legislature, to take immediate legislative action, while consideration is given to efforts to change the constitution to create a truly independent ethics enforcement agency.

Specifically, we ask that the Legislature do the following:

1. **Include a broad range of stakeholders in hearings held this summer¹ to inform the constitutional amendment to replace JCOPE** introduced by Senator Liz Krueger and Assemblymember Robert Carroll.
2. **We also urge that as part of any hearings, the Legislature should examine how to ensure that the state Inspector General is accountable to the public**, not reporting directly to the Executive.

¹ The Senate has said that they intend to hold two hearings, the first of which would be scheduled for this summer. See here: Fink Zack. “Lawmakers plan to hold hearings on overhauling state’s troubled ethics agency.” NY1. May 18, 2021.
<https://www.ny1.com/nyc/all-boroughs/news/2021/05/18/lawmakers-to-hold-hearings-on-overhauling-state-s-troubled-ethics-agency>

3. **Pass bills this session that incrementally fix broken processes at JCOPE and better protect state employees from harassment and retaliation while a bigger solution is crafted.** Our groups support the following bills, while recognizing that much more must be done to improve ethics oversight and create a more independent enforcement entity:

- [S5254 \(Biaggi\)/A6611 \(Hyndman\)](#) – simplifies JCOPE voting rules for investigations and issuing substantial basis reports.
- [S6364 \(Gounardes\)/A7512 \(Hyndman\)](#) – allows JCOPE to disclose the status of investigations to the public and complainants under certain circumstances. This is a variant of [JCOPE's own legislative proposal](#) to allow public disclosure of the status of complaints.
- [S6261 \(Biaggi\)](#) – simplifies JCOPE voting rules for appointment and removal of the executive director.
- [A5825 \(Cruz\)/S1096 \(Liu\)](#) – includes legislative and judicial employees under state civil service law whistleblower and anti-retaliation protections.
- [A2483B \(Niou\)/S3395A \(Gounardes\)](#) – ensures that employees of elected and appointed officials are better able to hold state government accountable and are protected under NYS Human Rights Law's anti-discrimination and harassment provisions.

We understand that there are ongoing, wide-ranging investigations into allegations of misconduct by the Governor being conducted by both the Attorney General's office and the Assembly for its impeachment inquiry. These investigations are extremely important, but are not focused on legislative or policy solutions. Therefore the investigations should not preclude the Legislature from passing bills to correct known problems at JCOPE, nor from holding public hearings or meetings on how to craft the best long-term policy solutions to these scandals.

Thank you for your consideration of this important matter.

Sincerely,

John Kaehny
Executive Director
Reinvent Albany

Laura Ladd Bierman
Executive Director
League of Women Voters of New York State

Betsy Gotbaum
Executive Director
Citizens Union of the City of New York

Blair Horner
Executive Director
New York Public Interest Research Group

Susan Lerner
Executive Director
Common Cause New York

Erica Vladimer
Co-Founder
Sexual Harassment Working Group

Cc. Senator Alessandra Biaggi, Chair, Senate Ethics Committee
Senator Liz Krueger, Chair, Senate Finance Committee
Assemblymember Kenneth Zebrowski, Chair, Governmental Operations Committee
Assemblymember Jo Anne Simon, Chair, Assembly Ethics Committee