



Commissioners
Joint Commission on Public Ethics

July 8, 2021

VIA EMAIL

Re: JCOPE Should Publish Financial Disclosure Forms of Senior Agency Officials Online and Participate in Public State Legislative Oversight Hearings

Dear Commissioners,

Our groups write to address two areas of concern:

1. **We write to again ask that the Joint Commission on Public Ethics (JCOPE) publish online the financial disclosure statements of senior agency officials, and follow the standards set in the state's Freedom of Information Law (FOIL) for access to JCOPE's public records.** This should be done by revising your proposed regulations, not passing a new resolution.
2. **We want to clarify that our groups have asked the Legislature to hold a *public* hearing on ethics enforcement, at which JCOPE and other bodies can be publicly held accountable for their performance.** We have not asked the Legislature to solely take testimony in private. A public hearing will help New Yorkers better understand how well our state's ethics laws are working.

We appreciate that you discussed our June 24th letter at your June 28, 2021 meeting. In that letter, we asked you to publish the financial disclosure forms of senior agency officials online as you already do for elected officials.¹ We also asked that you amend your proposed regulations, rather than a separate resolution, to include our recommendations about treating the requests for financial disclosure forms as public records subject to FOIL, similar to the FOIL logs of state agencies.

¹ Group letter dated June 24, 2021 to JCOPE available here: <https://reinventalbany.org/2021/06/watchdogs-ask-jcope-to-take-common-sense-transparency-steps-publish-disclosure-forms-on-website/>

Amending the draft regulations will allow the public to comment on any revisions before they are finalized. We agree with the statements made by commissioners and staff that JCOPE should follow formal processes like the State Administrative Procedure Act (SAPA), which requires public notification and a comment period, to develop policies and procedures, rather than make policy through resolutions.

Lastly, while we understand that the motion made by Commissioner Lavine to allow JCOPE commissioners and staff to testify to the Legislature was intended to allow for discussion of confidential matters that might be of interest to legislators, our groups asked the Legislature to hold *public* hearings to discuss ethics reform and enforcement.² Since our letter was sent, the State Senate has scheduled an oversight hearing on ethics for July 12, 2021.³ While the Legislature may wish to issue subpoenas and conduct interviews of commissioners and staff regarding confidential JCOPE matters, these procedures should not replace JCOPE's testimony at a public hearing.

Given recent ethics scandals in Albany, ethics reform is of great public interest and should be discussed and examined in a public hearing at which stakeholders can provide their views and the public can hear directly from JCOPE.

Thank you for your consideration of these matters.

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

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² See our letter to the State Legislature dated April 20, 2021 here: https://www.nypirg.org/pubs/202104/final_ethics_news_4.21.21.pdf

³ NYS Senate Hearing Notice for July 12, 2021 available at <https://www.nysenate.gov/calendar/public-hearings/july-12-2021/public-hearing-new-york-states-system-ethics-oversight-and>

Cc. Senate Majority Leader Andrea Stewart-Cousins
Senate Minority Leader Robert Ort
Senator Alessandra Biaggi, Chair, Ethics and Internal Governance Committee
Assembly Speaker Carl Heastie
Assembly Minority Leader William Barclay
Assemblymember Kenneth Zebrowski, Chair, Governmental Operations Committee
Assemblymember Jo Anne Simon, Chair, Ethics and Guidance Committee