



October 16, 2017

Carol Quinn  
Deputy Director of Lobbying Disclosure  
New York State Joint Commission on Public Ethics  
540 Broadway  
Albany, NY 12207

Re: Proposed Rulemaking - Title 19 NYCRR Part 943

Dear Ms. Quinn:

The Big I of New York (the Independent Insurance Agents & Brokers of NY, Inc.) has a comment related to a technical correction that appears needed to clarify the intent of the regulation with respect to the definition of commission salesperson.

To meet the definition of “commission salesperson,” Section 943.8(c)(2)(i)(b) of the proposed rule provides that “The person is an employee (as that term is defined for tax purposes) of a vendor, or an independent contractor for a vendor, pursuant to a written contract for a term of not less than six months or an indefinite term.”

This definition does not match the statutory definition of commission salesperson in Legislative Law Section 1-c(u). This statute defines commission salesperson in part as “... an employee (as that term is defined for tax purposes) of or an independent contractor for a vendor, provided that an independent contractor shall have a written contract for a term of not less than six months or for an indefinite term, ...”

The proposal should be amended to make clear that the requirement for a written contract only applies to independent contractors, not employees. This is important since many commission salespeople who are employees do not have written employment contracts.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill R. Muratori". The signature is fluid and cursive, written over a white background.

Jill R. Muratori, Esq.  
Legislative Representative