

RECEIVED JUN 20 2012

STATE OF NEW YORK
JOINT COMMISSION ON PUBLIC ETHICS

540 Broadway
Albany, New York 12207

IN THE MATTER OF DAVID WILCOX,
a former Health Program Administrator for the
New York State Department of Health

Respondent

SUBSTANTIAL BASIS INVESTIGATION REPORT
AND SETTLEMENT AGREEMENT

Case No. 12-27

WHEREAS, the Joint Commission on Public Ethics (the "Commission") has authority pursuant to Executive Law §94 to conduct an investigation to determine whether a substantial basis exists to conclude that a violation of the Public Officers Law has occurred, to issue a report of its finding of a substantial basis to conclude that a violation has occurred, and to impose penalties for such violation as provided for in the Executive Law;

WHEREAS, this Settlement Agreement ("Agreement") is entered into by and between the Commission and David Wilcox ("Respondent");

WHEREAS, on February 16, 2012, a letter was sent to Respondent alleging violations of Public Officers Law §§73(8)(a)(i), 73(8)(a)(ii), 73(5)(a), 74(3)(d), 74(3)(f) and/or 74(3)(h) and which afforded Respondent 15 days in which to respond to the allegations in writing;

WHEREAS, on May 15, 2012 the Commission issued a Notice of Substantial Basis Investigation;

WHEREAS, in lieu of appearing in an adjudicatory proceeding that could result in the assessment of a civil penalty, the parties to this Agreement have agreed to resolve this matter and avoid further investigation and administrative proceedings;

NOW THEREFORE, in consideration of the mutual covenants made herein, as the final settlement of the violations set forth herein, the parties stipulate and agree that:

- I. The Respondent admits that he violated Public Officers Law §§74(3)(d) and 74(3)(h) while employed by the New York State Department of Health when he failed to notify or seek guidance from his agency prior to entering into a contract to provide technology services to an entity he had on-going contact with as part of his State duties.
- II. Respondent agrees to personally pay one thousand three hundred dollars (\$1300) to the Commission within thirty (30) days following execution of this Agreement. Payment shall be made by bank or certified check made payable to the Joint

Commission on Public Ethics. Fulfillment of this agreement shall terminate the enforcement proceeding.

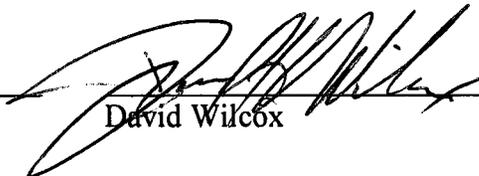
- III. If full payment is not received within 30 days of the execution of this Agreement, this Agreement shall become null and void in its entirety.
- IV. It is understood and agreed that this Report/Agreement is not confidential and that the Commission shall make such Report/Agreement public within forty-five days of execution pursuant to Executive Law §§94(14-b) and (19).
- V. Notwithstanding the provisions of this Agreement, the Respondent understands and acknowledges that the Commission may investigate other knowing and wilful violations not covered by this Agreement, if any, by the Respondent, of the Public Officers Law.
- VI. The Respondent hereby waives any and all legal rights to appeal or challenge this final disposition in an article 78 proceeding or by any other means.
- VII. Any amendment or modification to this Agreement shall be in writing and signed by both parties.

Dated: 6-26-2012

Dated: 6-18-2012



New York State
Joint Commission on Public Ethics



David Wilcox