

IN THE MATTER OF JAMES LUDLAM,  
a former Environmental Engineer for the  
New York State Department of Environmental Conservation;

Respondent

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NOTICE OF REASONABLE CAUSE  
AND SETTLEMENT AGREEMENT

Case No. 11-24

WHEREAS, the Public Integrity Reform Act of 2011 ("PIRA") created the Joint Commission on Public Ethics (the "Commission") to replace the Commission on Public Integrity ("CPI") and expressly provided that the Commission shall continue the authority of CPI;

WHEREAS, Part A, Section 16, of the Public Integrity Reform Act of 2011 provides in relevant part: "Any business or other matter undertaken or commenced by the state commission on public integrity or the legislative ethics commission pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the joint commission on public ethics, and pending on the effective date of this act may be conducted and completed by the joint commission on public ethics in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the former state commission on public integrity or the legislative ethics commission";

WHEREAS, this Settlement Agreement ("Agreement") is entered into by and between the Commission and James Ludlam ("Respondent") and shall be considered the final disposition of Respondent's violation of Public Officers Law §73(8)(a)(ii);

WHEREAS, Respondent was employed as an Environmental Engineer II by the State of New York, Department of Environmental Conservation from September 1977 until his retirement in April 2008;

WHEREAS, on July 19, 2011, a letter was sent by CPI to Respondent alleging a violation of Public Officers Law §73(8)(a)(ii), and which afforded Respondent 15 days in which to respond to the allegations in writing;

WHEREAS, pursuant to its authority under PIRA and Executive Law §94, the Commission has determined that there is reasonable cause to believe that Respondent knowingly

and intentionally violated Public Officers Law §73(8)(a)(ii) when, after termination of his service with the Department of Environmental Conservation, Respondent appeared, practiced, communicated and rendered service on behalf of another individual or entity in relation to a case, proceeding, application, and transaction with respect to which Respondent was directly concerned and in which he personally participated during the period of his employment, and which was under his active consideration;

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 §73(8)(a)(ii) when he made an appearance before the New York State Department of Taxation and Finance in July 2010 through the voluntary submission of a signed and notarized affidavit attesting to a matter with which the Respondent was directly concerned and in which he personally participated while employed by the State of New York, Department of Environmental Conservation.
- II. Respondent did not receive compensation or any other benefit for providing the affidavit.
- III. Respondent agrees to personally pay two hundred fifty dollars (\$250) to the Commission within ninety (90) 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.
- IV. If full payment is not received within ninety days, the Respondent will be in breach of this Agreement and it shall be in the Commission's sole discretion to deem this Agreement null and void in its entirety.
- V. It is understood and agreed that this Agreement is not confidential and that the Commission shall make such Agreement public within forty-five days of execution.
- VI. Notwithstanding the provisions of this Agreement, the Respondent understands and acknowledges that the Commission may investigate other knowing and willful violations of the Public Officers Law by the Respondent, if any, and take any appropriate action.
- VII. The Respondent hereby waives any and all legal rights to appeal or challenge this final disposition in court, including, without limitation, commencing an Article 78

proceeding against the Commission, any State officer or employee, or any public body based upon this matter.

VIII. Once executed and delivered by both parties, the provisions of this Agreement shall constitute a legally binding agreement between the Commission and Respondent. Any amendment or modification to this Agreement shall be in writing and signed by both parties.

Dated: 12/21/2012

Letizia Tagliavero  
New York State  
Joint Commission on Public Ethics

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ACCEPTED AND AGREED TO  
THIS 20 DAY OF December, 2012

James Ludlam

By: James Ludlam

Name: James Ludlam