



**NEWS FROM:  
NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS**

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## **Joint Commission on Public Ethics Resolves Enforcement Actions for State Post-Employment Restrictions and Lobbying Act Violations**

*Former State Employees Admitted Violating State Post-Employment Restrictions; Three Lobbyists and Clients Fined for Failures to File*

The Joint Commission on Public Ethics today announced recent settlements in two cases involving post-employment restrictions on former public servants, and three other matters involving a lobbyist's and lobbying clients' failures to file required disclosures.

The two matters regarding post-employment restrictions involved the former counsel to then-Governor David Paterson and a former environmental engineer for the state Department of Environmental Conservation (DEC). The State's ethics laws prohibit former public employees from appearing before their former agency, or any State agency if the former employee worked in the executive chamber, for a period of two years after leaving State service. The law also includes a lifetime bar against former employees appearing before any State agency on matters in which they were specifically involved while in State service.

"Public servants' ethical obligations extend beyond their State employment, and the post-employment restrictions are an important mechanism to ensure that individuals can't improperly trade on their prior public service," said Joint Commission Executive Director Ellen Biben. "The Joint Commission on Public Ethics will continue to enforce these critical provisions."

In the first matter, Peter Kiernan, who served as counsel to then-Governor Paterson from 2008 through 2010, admitted to twice violating the state ethics law prohibiting executive chamber officers or employees from appearing or practicing before state agencies for a period of two years after separating from state service. In a settlement agreement with the Joint Commission, Kiernan paid \$3,500 in fines for the violations.

In December 2011, Kiernan, who was privately employed by the New York City law firm of Schiff Hardin LLP, signed and was listed as "lead partner and counsel" in a response to a

state Division of the Budget request for proposals for a three-year contract for disclosure and public finance counsel services. Also, in February 2012, Kiernan signed and was listed as "lead attorney" in a response to a Thruway Authority request for proposals for a three-year contract for outside counsel legal services. Both responses constituted prohibited appearances under Public Officers Law §73(8)(iv). Schiff Hardin was not awarded either contract.

In the other post-employment matter, James Ludlam, a former environmental engineer for the DEC who worked for the state from 1977 through April 2008, admitted to violating the state ethics law, referred to as the "lifetime bar," which prohibits state officers and employees from appearing, practicing, communicating or rendering services before any state agency in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he personally participated during his state service.

In July 2010, Ludlam appeared before the state Department of Taxation and Finance through the voluntary submission of a signed and notarized affidavit attesting to a matter with which he was directly concerned and in which he personally participated while at the DEC, in violation of Public Officers Law §73(8)(ii). Ludlam received no compensation or other benefit for providing the affidavit, and under a settlement agreement with the Joint Commission, paid a \$250 fine for the violation.

Separately, the Joint Commission also entered into settlement agreements in three unrelated matters involving lobbyist Kenneth Plummer d/b/a Kensworth Consulting, and lobbying clients Phusion Projects, LLC and Metatomix, Inc., each for failing to file required disclosures.

The settlement agreements are available on the Joint Commission's web site under "[enforcement actions](#)."