

NEW YORK STATE

COMMISSION ON PUBLIC INTEGRITY



2008
ANNUAL
REPORT



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April 2009

The Honorable David A. Paterson
Governor of New York

The Honorable Malcolm A. Smith
Majority Leader of the Senate

The Honorable Sheldon Silver
Speaker of the Assembly

The Honorable Dean G. Skelos
Minority Leader of the Senate

The Honorable Brian M. Kolb
Minority Leader of the Assembly

To the Honorable David A. Paterson and Members of the Legislature:

On behalf of the Commissioners and staff of the New York State Commission on Public Integrity, I am pleased to present you with this 2008 Annual Report.

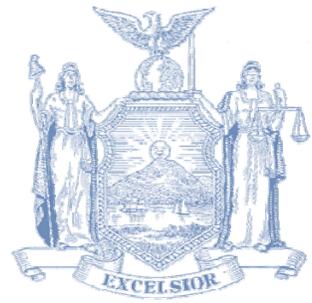
This report details the first full year of the Commission, which was created in 2007 when the New York State Ethics Commission and the New York Temporary State Commission on Lobbying were combined. Descriptions of investigations, training, enforcement activities, and advisory opinions, as well as the Commission's legislative proposals for the current year are included. The report also notes the significant increase in the number of lobbyists, despite just a small increase in total spending.

Like other State agencies, the Commission has had to perform its work with an increasingly restrictive budget, leading to cutbacks in personnel, travel and other expenditures. We have adjusted to these fiscal realities while continuing to fulfill our responsibilities as required by law. The Commission could not have successfully performed its work and met its challenges without the dedication and skill of its staff. Whatever credit is due, a large measure deservedly goes to these women and men.

Respectfully,

Herbert Teitelbaum
Executive Director

TABLE OF CONTENTS



INTRODUCTION	1
OUTREACH, TRAINING AND EDUCATIONAL SERVICES	1
LOBBYING ENFORCEMENT	3
LEGISLATION	4
DISCLOSURE REQUIREMENTS AND ON-LINE APPLICATIONS	6
INVESTIGATIONS	8
ADVISORY OPINIONS	12
COMMISSION MEMBERS	15
STAFF	21
APPENDIX DIRECTORY	23

INTRODUCTION

The Commission on Public Integrity, created in 2007 with the merger of the State Ethics Commission and the Temporary State Commission on Lobbying, completed its first full year of operation in 2008.

The Commission devoted significant time to the so-called Troopergate investigation, which examined the alleged misuse of the State police by senior government officials. Two individuals admitted violating the Public Officers Law and two others are at various stages in the hearing process. The Commission was the only entity investigating the matter to charge anyone with violating the law, and was the first to put all of the thousands of pages of relevant investigative documents and transcripts of testimony of all twenty witnesses on-line so that the public could review the evidence. More information about this investigation and others can be found in the “Investigations” section of this report.

This report also notes changes in lobbying activities from 2007 to 2008. In 2008, the number of lobbyists increased 24 percent and the number of clients went up 27 percent. The number of bills before the legislature rose 14 percent and the number of lobbyists active in procurement at the State and local levels went up 49 percent. The number of rules, regulations and rates pending before State agencies, on which lobbyists were employed, rose 4 percent.

The names on the list of top ten lobbyists, ranked by total compensation, did not change from the previous year, although the order did. However, only six of the names on the list of top ten clients and public corporations ranked by total lobbying expenses in 2007 remained on the list in 2008.

Continuing its mission of advising State employees, the Commission issued more than 150 written opinions, more than any year since 2003. In addition, staff conducted numerous training sessions and other meetings that are described in the section on outreach and education.

Consistent with its efforts to maintain its independence, the Commission became operationally independent of the Department of State, which had provided personnel, purchasing and information technology support in the past.

Like other State agencies, the Commission has had to perform its work with an increasingly restrictive budget, leading to cutbacks in travel and personnel. We have adjusted to these fiscal realities while continuing to fulfill our responsibilities as required by law.

OUTREACH, TRAINING AND EDUCATIONAL SERVICES

A core mission of the New York State Commission on Public Integrity is to train and educate more than 250,000 State employees, and thousands of lobbyists and their clients subject to our jurisdiction.

In 2008, the Commission continued its outreach services by staffing information tables at the concourse of the Empire State Plaza in Albany, where approximately 10,000 State employees work. This allows Commission staff to be available to members of the State workforce, lobbying community, and the hundreds of people who visit the facility each year.



Electronic Library of Materials & “Green” Training

In an effort to reduce waste, save energy and conserve resources, the Commission’s Training and Educational Services Unit is now providing all its instructional materials in an environmentally friendly electronic format, rather than publishing them on paper. Whenever possible, training workshops will be “green” by only providing hard copy reference materials when absolutely necessary. An entire page on the Commission’s website has been dedicated to providing an electronic library of training and reference materials.

Ethics in Government Training

The Commission conducted 83 face-to-face training sessions for 4,558 employees in 2008. Commission staff participated in 33 workshops that awarded continuing legal education (CLE) credit, and conducted 12 sessions that awarded credit.

The Commission has explored ways of expanding its ethics training through an interactive, accessible, educational platform. Commission staff worked with the Governor’s Office of Employee Relations to provide an electronic “Ethics and NYS Employment” on-line program. A new “Ethics Overview” on-line training program is available in 2009.

Lobbying & Procurement Training

The Commission conducted 34 face-to-face training sessions representing 445 clients and lobbyists in 2008. In addition, the Commission used “electronic blasts” to distribute information more effectively to lobbyists, clients, public corporations, and not-for-profits. These “e-blasts” are essentially a monthly newsletter that includes a topic of relevant interest, report due dates, training available, and other news regarding the Commission. The e-blasts are e-mailed monthly to all who have requested them.

The Theodore Roosevelt Ethics Award

In 2001, the State Ethics Commission created the Theodore Roosevelt Ethics Award to recognize the significant work that agencies do to advance the goals of ethics in New York. The Commission on Public Integrity is continuing that practice, and made its first presentation of the award to the State Department of Transportation (DOT) at the annual Leadership and Accountability Conference held in Albany.

DOT was selected because the Department has two Ethics Officers and instituted a Regional Ethics Training Program. Working with Commission staff, DOT presented a formal ethics training program to every DOT region; several regions received multiple presentations. DOT also created specialized ethics training materials for all presentations. The agency routinely calls the Commission on

Public Integrity for guidance and advice on ethics matters. In addition, DOT publishes numerous memos throughout the year to its employees reminding and educating them on ethics issues. Finally, the DOT had a compliance rate of 96.7 percent for financial disclosure filing.

DOT received a plaque inscribed with the following quote from former Governor Roosevelt: “We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure.”

While in public office, Theodore Roosevelt earned a reputation for opposing government corruption. He supported civil service reform as a member of the New York State Assembly and the federal Civil Service Commission, as president of the New York City Police Board and as Governor. Speaking in 1903 as President of the United States, he said, “The exposure and punishment of public corruption is an honor to a nation, not a disgrace. The shame lies in toleration.”

LOBBYING ENFORCEMENT

There were 6,624 lobbyists registered with the Commission in 2008, representing 4,145 clients, compared to 5,357 lobbyists representing 3,271 clients in 2007. During this same period, there were 52 public corporations registered, compared to 57 the previous year.

According to semi-annual reports filed with the Commission for the 2008 calendar year, \$197.7 million was spent on lobbying, up from \$171.2 million the previous year which, significantly, had jumped \$20 million from 2006. *(See chart on following page.)*

In 2008, there were 18,296 legislative bills before the Legislature and 1,737 rules, regulations, and rates pending before State agencies. The Commission's monitoring responsibilities also extend to lobbyists and clients attempting to influence any local law, ordinance, rule, regulation and rate pending before a municipality or its subdivision. A total of 686 registrations were filed for lobbyists active on local issues. The Commission also covers those attempting to influence determinations by a state or local public official relating to governmental procurement on both a State and municipal level. There were 307 registrations filed for lobbyists active on procurement matters; another 875 registrations were amended or filed by lobbyists active on both procurement and non-procurement matters.

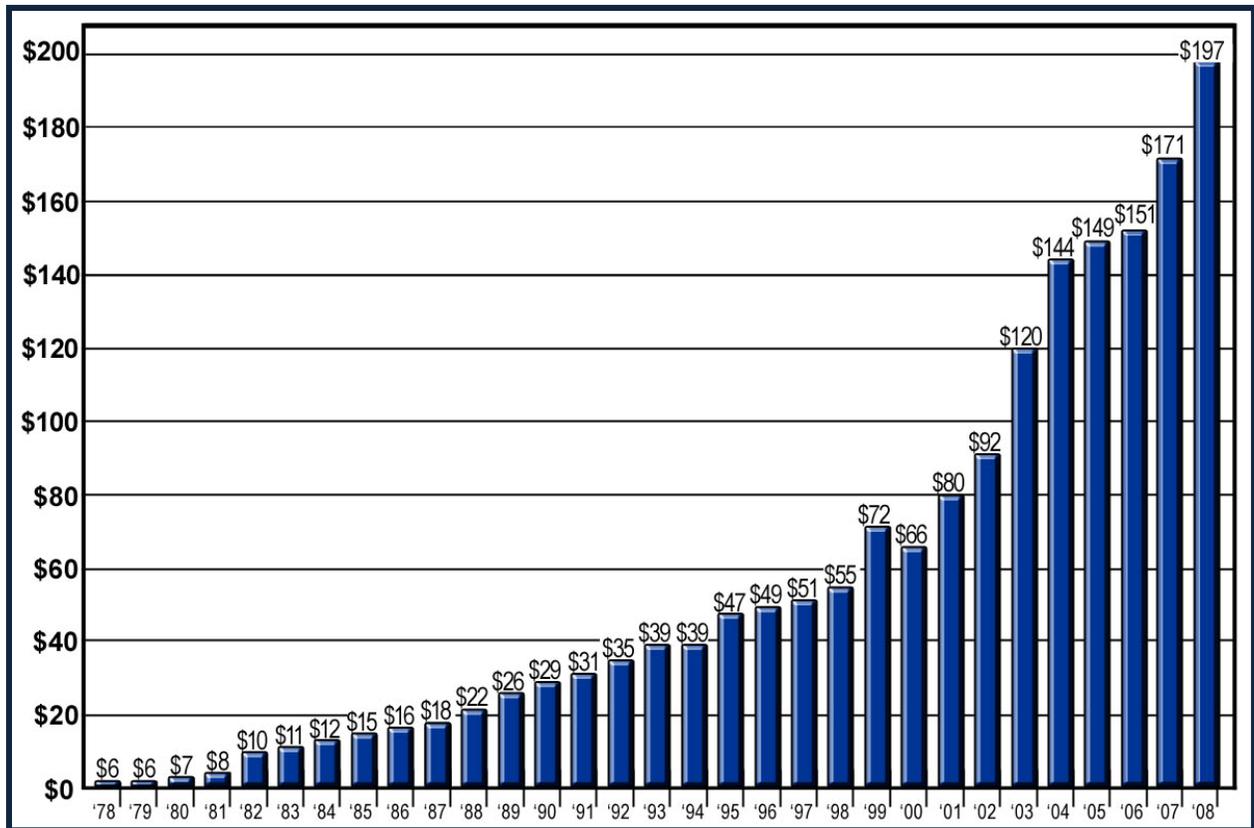
Staff works with lobbyists and clients, to the fullest possible extent, to obtain compliance. This is done through outreach and education programs as described earlier in this report.

Lobbying activity in the Legislature and State agencies is monitored to detect non-registered special interest groups. In the Legislature, budget bills and other issues are identified to determine if any unregistered party has attempted to influence legislative action. In State agencies, Notices of Appearance submitted pursuant to Section 166 of the Executive Law are reviewed by Commission staff for unregistered lobbying activity. Last year, the Program Operations Unit opened 24 inquiries into unregistered lobbying activities; 4 registrations were filed as a result.

As required by statute, the Commission conducts a Random Audit Program that provides another independent and objective evaluation of reports and registration statements filed by lobbyists and their clients. An outside accounting firm certifies that the Random Audit Program is in compliance with the Act's provisions. This year, under the Random Audit Program, the Commission conducted 563 audits. These audits produced 22 formal findings regarding potential violations of the Lobby Act; 407 informal



findings, which are minor errors in documentation or reporting; and 649 recommendations to improve record keeping or filing procedures.



LEGISLATION

The Commission on Public Integrity has six legislative proposals for 2009. Topping the list are increased protection for whistle blowers and a \$10,000 penalty for those who act to obstruct a Commission investigation.

Under the State's current "whistle blower law," a public employee is required to make a good faith effort to first disclose to his or her appointing authority or designee, information concerning an alleged violation of law or an activity which constitutes improper government action, and allow a reasonable period of time for appropriate remediation. This requirement, however, fails to address those instances in which the employee's supervisor or a senior level administrator may be involved in unethical conduct and reporting is impractical or ill-advised.

The Commission proposes to amend the State's whistle blower law to eliminate the requirement that alleged violations of the State's ethics laws to first be disclosed to one's agency before being brought to the Commission on Public Integrity.

The second proposal stems from the Commission's investigation into the Troopergate matter. At the time, the Commission noted that the Executive Chamber "... substantially delayed the Commission's investigation" when, over a ten-month period, it routinely produced documents on a piecemeal basis,

after claiming it had complied with the Commission's subpoena. While judicial intervention is a remedy in such instances, the ability of the Commission to assess a penalty for a willful failure to comply with a properly issued subpoena may serve as a significant incentive to comply and avoid the need for court action. The Commission is proposing it be given the authority to impose a penalty of up to \$10,000 for acting with intent to obstruct a Commission investigation.

LOBBYING RECORDS

The Lobbying Act requires the Commission to retain records for three biennial filing periods but only requires filers to maintain their records for three years. To address this disparity, the Commission recommends that the Lobbying Act be amended to require all lobbyists and clients to retain their records for a period of three biennial filing periods, subject to monetary penalties for any violation.

Maintaining business records for six to seven years is a common and, in many cases, legally-required practice in today's business world. The Commission's statutory random audit program requires the Commission to conduct audits of lobbyist and client filings. While the Commission could pool from a potential database of three biennial reporting periods, effectively it is only able to draw from the two most recent biennial periods since lobbyists and clients are not required to maintain the earlier records. Even this reduced database could result in an audit of a four-year-old record which the client/lobbyist is not required to maintain.

Accordingly, in some cases, it is impossible for the Commission to meet its statutory obligation for conducting certain audits.

CONTRACTING WITH A FORMER EMPLOYEE

A State agency may not contract with a former employee, now rendering services as a consultant to a federal agency, to work on a matter on behalf of the State agency, despite the individual's unique knowledge and experience in the matter and the potential cost savings to the State. The Commission is recommending an amendment which will enable State agencies to hire former employees under contract or subcontract with the federal government.

The Legislature and the Governor previously have recognized that in some limited cases, the post-employment restrictions worked to the detriment of the State by precluding an agency from retaining the services of a former employee where the former employee has a special knowledge or expertise and could perform the services in a more cost effective manner than others. Most recently, in 2004, the Public Officers Law was amended to enable an agency to contract with a former employee or their employer, upon agency head certification to the Commission that the former employee possessed a unique expertise that could not be obtained elsewhere at comparable cost. These requirements, in addition to a review by the State Comptroller under State Finance Law §112, have diminished any potential for abuse of this provision. Indeed, since its enactment, the Commission has authorized only 35 such certifications. These certifications, however, have resulted in significant cost saving to the State of New York.

The Commission recently became aware of a situation in which the Department of Environmental Conservation sought to retain a former State employee now under contract with the federal government. The former employee is an expert in nuclear waste management. The certification process was not



available to the agency since it could not “contract individually” with the former employee and because the former employee was not a “member or employee of a firm, corporation or association.”

Since the individual was a contractor to the federal government, the State was unable to obtain his services. This legislative proposal would correct this oversight, thereby enabling the State to obtain the services of former employees, under limited circumstances, when it benefits the State to do so.

NEPOTISM

The nepotism statute enacted in 2007 prohibits participation by a relative in the decision to promote, discipline or discharge a relative, but does not prohibit a State employee from supervising a relative.

The Commission is proposing an amendment to prohibit such supervision of a relative. This will serve to insure that the information gleaned from regular observations of an employee, and the proper use of such information for purposes of promotion, discipline or discharge will be fair and unbiased.

DEFINITION OF “RELATIVE”

The current definition of the term “relative” for purposes of the nepotism statute is confusing and fails to recognize significant relationships that should appropriately be included within the definition.

The Commission proposal would clarify the term “relative” to include blood relatives as well as persons living in the same household that may not share a blood relation. As currently written, the following relationships are not captured by the statute unless such individuals live in the same household: foster children, adopted children, step children, “in-law” relatives, and step-relatives. Conversely, the statute defines “any person living in the same household as the individual” to constitute a relative, including foreign exchange students, friends and roommates.

The trend in many states is to define the term “relative” by identifying the actual relationship the term is intended to capture. This legislative proposal would similarly re-define the term “relative” by specifically identifying the blood relationships, and step relationships that fall within its plain meaning, and domestic partner relationships.

OTHER PROPOSALS

Staff is reviewing additional legislative proposals that may be made later in the year.

DISCLOSURE REQUIREMENTS AND ON-LINE APPLICATIONS

LOBBYING FILINGS

The on-line Lobbyist Registration Application allows lobbyists and clients to register and report 24 hours a day *via* the Internet. Electronic filers may view the status of their filings on-line and make necessary changes immediately. Filers electing not to register and report electronically may still opt to send paper filings to the Commission for data department staff to enter electronically.

This on-line application has significantly improved public disclosure capabilities. An interactive query screen offers an extensive number of search criteria to group or locate lobbyist and client records. Seven different reports on lobbyists and clients are available online, to be selected, reviewed, printed or imported with up-to-date lobbying data, again at no cost.

This application is a great success:

- 🏠 Approximately 97 percent of lobbyists and 55 percent of clients now use electronic filing to submit their registrations and reports;
- 🏠 Since the on-line application automatically monitors electronic filings for completion, the number of incomplete electronic filings being returned has been reduced to zero;
- 🏠 The on-line application automatically notifies filers of minor filing errors prior to submission and prompts the filer for corrections. This has significantly reduced manual processing by staff;
- 🏠 Since lobbyist and client information now is so readily available to the public, FOIL requests for such material have been virtually eliminated. In 2007, only 15 FOIL requests were made – a sharp reduction from an all-time high of 427 requests made in 2002 prior to launching the application.

Reviewing Statements & Reports Filed by Lobbyists, Clients & Public Corporations:

All statements and reports received by the Commission are reviewed for accuracy and completeness. In 2008, over 43,000 completed electronic and paper filings and lobbying contracts were reviewed. Upon completion of a preliminary review, Commission staff utilizes various programs to verify the accuracy and completeness of reporting. The Discrepancy Investigation Program is one such program. It compares the compensation reported in a lobbyist's bimonthly report against that reported in the client's semi-annual report. In 2008, 438 discrepancies were investigated. This program also permits the Commission to verify the accuracy of information provided in both reports.

Reportable lobbying expenses, such as advertising, legislative receptions, and "lobby days" are independently monitored by Commission staff to ensure that the special interest groups funding such activities are registered and that the associated event costs are disclosed in lobbying reports. In 2008, \$6,669,693 was reported for advertising expenses and over \$1,603,827 was reported for event related expenses.

ETHICS FILINGS

More than 26,900 people filed financial disclosure statements in 2008, with 89 percent filing electronically.

Financial disclosure also is required of the four Statewide elected officials (Governor, Lieutenant Governor, Attorney General and Comptroller), the State chairs of recognized political parties and certain county chairs of these parties.

The statements include the names of spouse and unemancipated children, major assets, sources of income, liabilities, sources of gifts, reimbursements, interests in trust, deferred income, real property owned, offices held with a political party, any licenses from a State agency, and other information.



The Commission on Public Integrity may grant an exemption from filing to individuals who earn above the filing rate (which was \$82,389 in 2008) but who have been determined by their agencies not to be policymakers. An exemption request may be submitted either by an individual, or by a State agency or employee organization on behalf of a group of individuals who share the same job title or employment classification. For an exemption to be granted, an individual's job duties may not involve the negotiation, authorization or approval of:

- ☒ contracts, leases, franchises or similar matters;
- ☒ the purchase, sale or rental of real property, goods or services;
- ☒ the obtaining of grants of money or loans; or
- ☒ the adoption or repeal of rules or regulations having the force and effect of law.

Financial disclosure statements are available for public inspection. However, the law requires that the value of certain income, assets and liabilities, each of which must be listed as being within a category based on a range of values, is not publicly available.

There were 96 requests to publicly inspect a total of 372 financial disclosure statements.

INVESTIGATIONS

The Commission is empowered to begin investigations either upon receipt of a complaint or on its own initiative. In 2008, the Commission opened 42 cases and issued six Notices of Reasonable Cause. Pursuant to Executive Law §94(12)(b) and 17(a)(3), a Notice of Reasonable Cause is a public document, issued upon a vote of the Commissioners, that alleges a violation of the law: it not a finding of guilt.

If at any stage of an investigation prior to the issuance of the Notice, the Commission determines either that there is no violation or that any potential conflict of interest violation has been rectified, the complainant and the subject of the complaint are notified and the investigation is terminated. Pursuant to Executive Law §94(12)(a), the investigation then remains confidential.

Pending Investigations

The Commission had 87 investigations under consideration at the end of 2008.

Summary of Major Cases

Troopergate: The Commission charged three former officials of the Executive Chamber and the former acting superintendent of the State Police with violating the Public Officers Law when they utilized the State Police to create records and gather information and documents regarding Senator Joseph L. Bruno's travel to New York City in May and June 2007.

Richard Baum, Darren Dopp, William Howard and Preston Felton were charged with violations of the State's Code of Ethics, found in Public Officers Law §74. Settlements were reached with Mr. Baum and Mr. Howard.

The Commission alleges in the Notice that Dopp and Felton “caused the State Police to serve the Governor’s and their own non-governmental interests in a manner that compromised the State Police.”

“Such misconduct erodes public confidence in the integrity and independence of the State Police,” the Notice stated. Commission members noted that the law requires them to rely on reliable evidence, not “suspicion, conjecture, speculation or rumor,” and that there “presently is insufficient record evidence to support a charge that any person, other than Baum, Dopp, Howard and Felton, violated the Public Officers Law.”

Nevertheless, the Notice stated, “if warranted by additional reliable evidence, including evidence adduced in the course of a hearing on the charges set forth herein, the Commission will pursue additional Public Officers Law violations that may have been committed by any person not named in this NORC, including any individual who may have previously received or may in the future receive a ‘fifteen-day letter’ pursuant to Executive Law §94(12)(a).”

Commission staff collected thousands of documents and more than 3,000 pages of sworn testimony. It was the only government agency to place those documents on-line for public viewing.

The Commission was critical of the Executive Chamber for failing to deliver many documents in a timely manner and withholding important documents. “The Executive Chamber’s piecemeal document production and its spurious claims of privilege unnecessarily and improperly delayed the Commission’s investigation” and were “flatly at odds with its duty to assist the Commission’s investigation and the promises of Governor Spitzer that the Administration was cooperating fully with the Commission’s investigation.”

Richard A. Gerardi was Director of the Residential Energy Affordability Program for the New York State Energy Research and Development Authority in 2006 when he accepted the tickets to Yankees baseball games from an employee of Conservation Services Group (CSG). The tickets had a value of \$820. Gerardi’s unit advertised energy efficiency programs through CSG. He agreed to pay \$2,460 to the State to settle charges that he violated the State’s ethics laws when he accepted 12 tickets to baseball games from an entity under contract to his former agency.

James Brunet, a former employee of the Department of Transportation (DOT), was charged with violating the post-employment restrictions of the Public Officers Law by illegally appearing before his former agency within two years of leaving State service. The Public Officers Law generally prohibits former State employees from appearing before or providing services to their former agencies within two years of leaving State service. Brunet currently is President of Excelsior Transportation Consultants, Inc. Previously, he was employed as an Intermodal Transportation Specialist at DOT. The Commission alleged that he provided services to DOT on two purchase orders in 2006 and 2007. The case was referred to the Commission by DOT.

Penalties for violations of the laws were increased in 2007. Brunet faces a maximum penalty of \$10,000 for the appearance in 2006 and \$40,000 for the appearance in 2007, after the law was changed and the penalties were increased.



Settlements of Previous Investigations of the New York Temporary State Commission on Lobbying

Crane & Vacco LLC agreed to pay the Commission \$20,000 to settle charges that it failed to file in 2004 May/June Lobbyist Bimonthly Report on behalf of Caywill, New York LLC.

See the following chart of a listing of lobbyists and clients who paid settlements in 2008.

SETTLEMENT/DISPOSITION AGREEMENTS (Lobbying) 2008			
*Some names appear more than once because they were charged with failing to file more than one report.			
NAME	VIOLATION CHARGED	AMOUNT PAID	DATE SETTLED
Agusta & Ross	Article 1-A	\$250	10/07/08
Amardeep Singh	Article 1-A	\$250	12/02/08
Amardeep Singh	Article 1-A	\$250	12/02/08
American Alternative Fuels	Article 1-A	\$250	12/02/08
Bodega Association of the United States	Article 1-A	\$250	10/07/08
Brady & Company, LLC	Article 1-A	\$250	12/02/08
Brady & Company, LLC	Article 1-A	\$250	12/02/08
Brown, McMahon & Weinraub, LLC (Women’s Bar Association)	Article 1-A	\$300	10/07/08
Buley Public Affairs, LLC (Forest City Ratner Companies)	Article 1-A	\$500	10/07/08
CPS 5, LLC	Article 1-A	\$250	10/07/08
Cherokee North Shore, LLC	Article 1-A	\$250	12/02/08
Crane & Vacco, LLC	Article 1-A	\$20,000	12/02/08
Educational Housing Services	Article 1-A	\$250	10/07/08

Hallett's Point Development, LLC (Agusta & Ross)	Article 1-A	\$250	10/07/08
IAQ, Inc.	Article 1-A	\$250	10/07/08
Independence Plaza Associates, LLC	Article 1-A	\$500	10/07/08
Independence Plaza Associates, LLC	Article 1-A	\$500	12/02/08
Kelly & Roth (Erie Basin Marine Association)	Article 1-A	\$250	10/07/08
Knapp Street Development, LLC	Article 1-A	\$250	12/02/08
Marsh Wassermann & McHugh, LLC (Morton Grove Pharmaceuticals)	Article 1-A	\$350	10/07/08
Middle Class Home Builders Association	Article 1-A	\$250	10/07/08
Millennium Partners, Inc.	Article 1-A	\$250	10/07/08
NY Staffing Association	Article 1-A	\$250	10/07/08
Parkside Group	Article 1-A	\$500	12/02/08
Parsons	Article 1-A	\$250	10/07/08
Parsons	Article 1-A	\$250	10/07/08
Pirro-Buley & Associates (Forest City Ratner Companies)	Article 1-A	\$500	10/07/08
Port Parties, Ltd	Article 1-A	\$500	10/07/08
Port Parties, Ltd	Article 1-A	\$500	10/07/08
Quadraid Realty Partners	Article 1-A	\$250	09/26/08
SRK Consulting Group	Article 1-A	\$250	12/02/08
Seneca-Cayuga Tribe of Oklahoma	Article 1-A	\$500	12/02/08



Show Media New York, LLC	Article 1-A	\$250	10/07/08
Synergy Business Management	Article 1-A	\$250	10/07/08
Tadis, LLC	Article 1-A	\$250	12/02/08
Tobman, Michael	Article 1-A	\$250	12/02/08
Westchester Industrial Devp. Agency	Article 1-A	\$250	12/02/08
Western NY Care Coordination Program	Article 1-A	\$250	10/07/08
Working Families Organization	Article 1-A	\$250	10/07/08

ADVISORY OPINIONS

Individuals subject to the Commission's jurisdiction may request the Commission to issue an advisory opinion interpreting the application of the Public Officers Law to State officers and employees. Advisory opinions are issued after approval by a majority of the Commission members. They are binding on both the Commission and the requesting individual in any subsequent proceeding, provided the requesting individual acted in good faith and neither omitted nor misstated any material facts. Although limited to the particular facts presented in each matter, advisory opinions serve as precedent for the determination of other cases.

Summaries of the Commission's most recent advisory opinions follow. Identifying information such as the name of the requestor and, in certain instances, the name of the agency involved, by law, must be removed to protect the privacy of the person requesting the opinion. Copies of the advisory opinions are available on the Commission's website at www.nyintegrity.org.

Readers should refer to the full opinions for a thorough understanding of the facts and reasoning by the Commission.

[NOTE: Unless otherwise stated, all sections of the law referred to in the following opinions are contained in the Public Officers Law. The opinions are numbered based on the year they were issued and the order in which they were approved. For example, Advisory Opinion No. 08-01 is the first opinion issued in 2008.]

The Commission also issues informal advisory opinions approved by the Executive Director. These address issues that have been previously addressed by the Commission and therefore do not require another review. Informal advisory opinions are not public and are not binding on the Commission.

Advisory Opinion 08-01: In response to inquiries that the Commission received concerning the amendments to Public Officers Law §73(5) and their applicability to Advisory Opinion No. 94-16, which dealt with gifts, the Commission determined that the principles enunciated by the Ethics Commission in Advisory Opinion No. 94-16 are applicable to State officers and employees as well as lobbyists who are under the Commission's jurisdiction.

The amended law prohibits gifts of more than "nominal" value, which the Commission defined as "items of insignificant value, as, for example, a regular cup of coffee or a soft drink, are considered nominal. Nominal value would not include a meal nor would it include an alcoholic beverage. However, even items of nominal value can be improper depending on the context."

Commissioners noted that the law that created the Commission also required the Commission to promulgate regulations pertaining to gifts. Therefore, the principles set forth in this opinion will be re-issued in a regulation. Opportunity to comment will be provided.

Advisory Opinion 08-02: A former senior official at a State (Agency A), requested an advisory opinion, asking whether, during his or her two-year post-employment period, he or she may provide services to a person in connection with a matter before the agency that succeeded Agency A (Successor Agency). The Commission determined that the former State employee may not provide services to any person in connection with a matter before the Successor Agency within two years of leaving Agency A since the individual would be rendering services on a matter before his or her former agency in violation of the post-employment restrictions.

Advisory Opinion No. 08-03: An employee of the New York State Thruway Authority, who was anticipating retirement, asked the Commission for an opinion regarding the application of the post-employment restrictions to his possible work on a Thruway Authority project. The contract covering the project would be awarded within two years of the employee's departure from State service. As part of the contract process, the consultant for whom the employee anticipated working was required to submit the employee's name and credentials to the Thruway Authority for prior approval as part of the bid.

The Commission concluded that the employee may not be employed on the project because the submission of the name and credentials would violate the post-employment restrictions of the law. In reaching its conclusion, the Commission reviewed two opinions of the State Ethics Commission, one of its predecessors.

The Ethics Commission previously determined, in Advisory Opinion No. 04-07, that a former employee of the Department of Transportation ("DOT") could not accept a position as an Office Engineer with a consulting engineering firm because he would report directly to a DOT employee and would have substantial contact with DOT employees. Moreover, the Ethics Commission determined that it would be a prohibited appearance for the consulting engineering firm to submit the name of the candidate for the position of Office Engineer to DOT for approval.



In Advisory Opinion No. 91-17, both a future employer of a DOT employee and the employee requested an advisory opinion as to whether it would be an "appearance" banned by Public Officers Law §73(8) if, within two years of the employee's departure from State service, the employer submitted the employee's resume as part of a bid on a DOT contract proposal.

The Ethics Commission determined that the employee's resume could not be submitted, stating that the Ethics in Government Act of 1987, which created the "revolving door" prohibition contained in Public Officers Law §73(8), was "designed to limit opportunities for abuse of official positions and eliminate any appearance of undue influence." Further, the statute was meant to preclude a former State employee from leveraging his or her knowledge, experience or contacts gained after leaving State service to his or her own advantage or that of a client.

The Ethics Commission also had found that the two-year bar prohibits a former State employee from submitting an application or proposal to his former agency, or having a role in negotiating the terms of an application or proposal (see, Advisory Opinion No. 90-03).

Advisory Opinion No. 08-04: The State Inspector General presented two questions not previously addressed by the Commission. The first was whether a State employee who travels on State business and at State expense, perhaps staying overnight at a hotel paid for by the State, and earns "reward" or "bonus" points from a common carrier and/or hotel, may use such points for his or her personal benefit, such as for personal hotel accommodations, cruises, and merchandise. The second question was whether a State employee purchasing office supplies or services for a State agency may accumulate reward points from a vendor of such supplies or services for his or her personal use.

The Commission determined that State officers or employees traveling on State business at State expense would be permitted to use for their personal benefit reward or bonus points earned in connection with such travel when, consistent with the Commission's determination in Advisory Opinion No. 08-01, the awards or points are offered to the general public.

However, the Commission ruled that a State employee purchasing office supplies or services for a State agency is prohibited from accumulating reward points for personal use when purchasing goods or services for State use. Doing so, the Commission opined, would violate Public Officers Law §§73(5) and 74 since such rewards could reasonably be viewed as a means of influencing or rewarding the State officer or employee in how he or she carries out his or her official purchasing duties for the agency.

Under these circumstances, such rewards would constitute gifts that influence or reward a State officer or employee for his or her official actions. Therefore, the redemption of these rewards by a State employee eligible to receive them because of the performance of his or her official duties would violate Public Officers Law §73(5). Moreover, the Commission noted that the State officer or employee may also violate Public Officers Law §74(3)(e) in accepting the reward points because he or she, as a State representative, would be engaging in a transaction in which he or she has a direct or indirect financial interest, *i.e.* the accumulation of reward points, which might reasonably tend to conflict with the proper discharge of his or her official duties.

Advisory Opinion No. 08-05: A former senior official of a State agency asked whether the post-employment restrictions of Public Officers Law §73(8)(a)(ii) prohibit him from providing expert testimony

in litigation concerning the collapse of a bridge located in an area where he worked. The bridge, constructed before he became a senior official, collapsed after he left State service.

The Commission determined that revolving door restrictions do not preclude him from providing expert testimony in a court proceeding where his former agency is a party, as long as he does not testify as to any transactions with which he was directly concerned and in which he personally participated during the period he was the senior official.

COMMISSION MEMBERS

The Commission on Public Integrity consists of thirteen members: seven members, including the Chair are selected by the Governor and six members are appointed by the Governor on the recommendation of the Attorney General, the Comptroller, and the four Legislative leaders. No more than four of the seven members appointed by the Governor can belong to the same political party.

Members of the Commission on Public Integrity are:

John D. Feerick is Chair of the Commission on Public Integrity. He had served as the Chair of the State Ethics Commission and serves as the Norris Professor of Law at Fordham Law School. He is also the Founder and Director of the Law School's Feerick Center for Social Justice and Dispute Resolution.

From 1982 to 2002, Mr. Feerick served as Dean of Fordham Law School. In addition, Dean Feerick has chaired the New York State Commission to Promote Public Confidence in Judicial Elections and previously served as a court-appointed Judicial Referee in the case of Campaign for Fiscal Equity v. New York State. From 1987 to 1990, serving as Special Deputy New York State Attorney General, Dean Feerick chaired the New York State Commission on Government Integrity that contributed to the adoption of the 1987 Ethics in Government Act.

Dean Feerick was a member of the law firm of Skadden, Arps, Slate, Meagher and Flom from 1961 to 1982. He also participated in the formulation, adoption and implementation of the 25th Amendment to the U.S. Constitution, ratified in 1967, which relates to presidential succession. Dean Feerick has been recognized for his extensive work in the field of government reform. He has been the recipient of honors and recognitions from various groups, including the American Bar Association, Common Cause, the League of Women Voters, and the New York Lawyers for Public Interest. He has received the highest awards from the New York State Bar Association, the Association of the Bar of the City of New York, and the New York County Lawyers' Association for his contributions to the legal profession.

Dean Feerick received his B.S. from Fordham College and his J.D. from Fordham Law School.

Daniel R. Alonso is a partner in the Litigation Department of Kaye Scholer LLP. Before joining Kaye Scholer, LLP, Mr. Alonso was Chief of the Criminal Division in the United States Attorney's Office for the Eastern District of New York. In that capacity, he supervised approximately 110 federal prosecutors in the investigation and prosecution of a vast array of crimes, and personally handled many significant matters involving public corruption and fraud. From 1990 to 1995, Mr. Alonso served as an Assistant



District Attorney in the New York County District Attorney's Office, where he handled white-collar criminal cases while assigned to the Frauds Bureau and the Special Prosecutions Bureau. He also served as a law clerk to Judge Joseph W. Bellacosa of the New York Court of Appeals.

Mr. Alonso is a four-time winner of the Justice Department's Director's Award for Superior Performance as an Assistant U.S. Attorney, and is a recipient of the Henry L. Stimson Medal, awarded by the Association of the Bar of the City of New York to outstanding Assistant U.S. Attorneys. He currently serves as the Chair of the Council on Criminal Justice of the New York City Bar Association, as a Director of the Fund for Modern Courts, and as a member of the Advisory Group to the New York State-Federal Judicial Council.

Mr. Alonso received his B.A. from Cornell University and his J.D. from New York University School of Law.

Virginia M. Apuzzo has served in a number of government positions at the State and federal level. She served in the administration of President Bill Clinton as Assistant to the President for Management and Administration, prior to which she was Associate Deputy Secretary in the United States Department of Labor, where she provided policy guidance and operating program direction to Assistant Secretaries and Office Directors on issues of national significance.

Before joining the federal government, Ms. Apuzzo was a Commissioner and President of the New York State Civil Service Commission, responsible for decision making affecting 189,000 State employees and 350,000 municipal employees, regarding titles, salary levels and minimum qualifications for classified service positions. Earlier, she had served as Executive Deputy Commissioner of the State Division of Housing and Community Renewal; Deputy Executive Director of the State Consumer Protection Board; Governor's Liaison to the Lesbian and Gay Community; Vice-Chair of the AIDS Advisory Council within the State Department of Health; Executive Director of the National Gay and Lesbian Task Force; Executive Director of the Fund for Human Dignity; Executive Director of the Office of Administrative Trials and Hearings for the City of New York; and Assistant Commissioner in the Office of Operations at the Department of Health for the City of New York.

Ms. Apuzzo has been a Tenured Lecturer at the Brooklyn College School of Education. She received her B.S. from the State University of New York College of New Paltz and her M.S. in Urban Education from Fordham University.

John M. Brickman is a partner in the law firm of Ackerman, Levine, Cullen, Brickman & Limmer, LLP. He heads the firm's litigation group, practicing primarily in the area of commercial litigation. From 1971 to 1975, he served as Executive Director of the New York City Board of Correction, overseeing the operation of the New York City prison system. In addition, from 1991 to 2006, he was Adjunct Professor of Law at Touro College's Jacob D. Fuchsberg Law Center.

Mr. Brickman is *pro bono* legal counsel to the Manhasset-Great Neck Community Service Center. He also serves as Chairman of the Correctional Association of New York, a Director of the Nassau Health Care Corporation, and a Director of the Levitt Foundation. From 1992 to 1994, he served as a Trustee of the Johns Hopkins University and President of the Johns Hopkins Alumni Association.

Mr. Brickman received his undergraduate degree from The Johns Hopkins University and his J.D. from Columbia University School of Law.

Andrew G. Celli, Jr. is a founding partner in the Manhattan Law firm of Emery, Celli, Brinckerhoff & Abady. From 1999 to 2002, Mr. Celli served as Chief of the Civil Rights Bureau in the Office of the New York State Attorney General. Mr. Celli is a former associate at Cravath, Swaine and Moore and clerked for Judge Charles P. Sifton of the United States District Court for the Eastern District of New York. He has extensively experience in litigating commercial, civil rights and constitutional cases in State and federal courts.

In 2004, Mr. Celli was appointed as a member of the New York Temporary State Commission on Lobbying and served as the Commission's Vice-Chair. He is a graduate of Hobart College and New York University School of Law where he served as a member of the Law Review.

Richard D. Emery is a founding partner in the Manhattan Law firm of Emery, Celli, Brinckerhoff & Abady. His practice focuses on civil rights, election law, commercial litigation, intellectual property, and entertainment. Mr. Emery enjoys a national reputation as a litigator, trying cases at all levels, from the United States Supreme Court to federal and State appellate and trial courts in New York, Washington, D.C., California, Washington State, and others.

Prior to forming Emery Celli Brinckerhoff & Abady, Mr. Emery had his own firm and was a partner at Lankenau Kovner & Pickford, where he successfully challenged the structure of the New York City Board of Estimate under the one-person, one-vote doctrine, resulting in the Supreme Court's unanimous invalidation of the Board on constitutional grounds. Before then, he was a staff attorney at the New York Civil Liberties Union and Director of the Institutional Legal Services Project in Washington state, which represented persons held in juvenile prison and mental health facilities. Mr. Emery served as law clerk to the Honorable Gus J. Solomon of the U.S. District Court for the district of Washington. Mr. Emery was a member of Governor Cuomo's Commission on Government Integrity, sat on Governor Eliot Spitzer's Transition Committee for Government Reform Issues and was appointed to the New York State Commission on Judicial Conduct. He has also taught at the New York University and University of Washington schools of law.

Mr. Emery received the I Love an Ethical New York Award from Common Cause in October 2000. He received his B.A. from Brown University and his J.D. from Columbia Law School.



Daniel J. French is a partner in the Syracuse firm of French-Alcott, PLLC. His practice includes complex civil litigation and criminal defense, along with a federal relations practice. Prior to forming French-Alcott, Mr. French was a member and later of counsel at Green & Seifter. Mr. French served as United States Attorney for the Northern District of New York where he was the Chief Federal Law Enforcement Officer for 32 of New York's 62 counties and served over 3.5 million State residents. He oversaw the work of 39 Assistant United States Attorneys located in Syracuse, Albany and Binghamton.

Previously, Mr. French served as an Assistant United States Attorney assigned to the criminal division in Syracuse and as a confidential Law Clerk to then United States District Court Judge Rosemary S. Pooler. In addition, Mr. French served as Acting Deputy Staff Director to the United States Senate Committee on Finance, Executive Assistant to United States Senator Daniel Patrick Moynihan and as a professional staff member to the United States Senate Committee on Environment and Public Works.

Mr. French is a member of the American Bar Association, the New York State Bar Association, the Onondaga County Bar Association and the Association of Former United States Attorneys. He also is a Trustee on the Board of the Federal Court Bar Association of the Northern District of New York. He is a former member of the Board of Directors of the Thousand Island Land Trust and Save the River.

He received his B.A. from the State University of New York College at Oswego and his J.D. from Syracuse University College of Law.

Robert J. Giuffra, Jr. is a partner in Sullivan & Cromwell LLP's Litigation Group. He is the Coordinator of Sullivan & Cromwell's Securities Litigation Practice, the Co-Head of Business Development and a member of the firm's Management Committee. He is the President of the Federal Bar Council.

In 1998, Governor Pataki appointed Mr. Giuffra to serve as one of the five Commissioners of the New York State Ethics Commission, the predecessor agency of the Commission on Public Integrity, and he served on the Ethics Commission until 2007. From 1995 to 1996, Mr. Giuffra was Chief Counsel to the United States Senate Committee on Banking, Housing, and Urban Affairs. From 1991 to 1992, while at Sullivan & Cromwell, he served as a Special Assistant District Attorney in New York County.

Mr. Giuffra clerked for Chief Justice William Rehnquist of the United States Supreme Court and Judge Ralph K. Winter, Jr. of the United States Court of Appeals for the Second Circuit. A resident of New York City, Mr. Giuffra received his bachelor's degree from Princeton University's Woodrow Wilson School of Public and International Affairs, where he graduated *summa cum laude* and was elected to *Phi Beta Kappa*. He received his law degree from Yale Law School, where he was an Articles Editor for the Yale Law Journal.

David L. Gruenberg is a solo practitioner in Troy. From 1983 to 2004, he served as Senior Counsel to the Senate Judiciary Committee. He has also served as Counsel to Senator Joseph Bruno and Senator Roy Goodman. In addition, from 1984 to 2003, Mr. Gruenberg served as Counsel to the Majority in the Rensselaer County Legislature. He was an Assistant Public Defender in Rensselaer County from 1979 to 1982 and was an Assistant Attorney General with the New York State Office of the Attorney

General from 1974 to 1977. Mr. Gruenberg established and staffed the Office of the Rensselaer County Conflict Defender. Mr. Gruenberg received his B.A. from Cornell University and his J.D. from Boston University School of Law.

Hon. James P. King retired as a Brigadier General from the United States Marine Corps after 22 years of active duty. In his last assignment, he was the Corps' top ranking member of JAG. His subsequent career has included positions as a law clerk and law professor at Stetson University Law School. In 1983, he was appointed an Assistant Attorney General and served there until 1990 when he ran for and was elected to the New York State Assembly. He was the ranking minority member of both the Codes Committee and the Legislative Ethics Committee.

In 1995 he was appointed as a Judge of the Court of Claims where he served until his retirement from the Bench in 2000. Shortly thereafter, he joined the New York Department of State as General Counsel. After his retirement in 2002, he continued his adjunct teaching position at Albany Law School and became the Government Law Center's first Government Lawyer in Residence. He currently is the Distinguished Jurist in Residence at Siena College. He served as a Commissioner on the Public Authorities Reform Commission and as member and Chair of the New York Temporary State Commission on Lobbying.

Judge King received a B.A. from Westminster College, an LLB from Albany Law School and an LLM from George Washington Law School.

Hon. Howard A. Levine is Senior Counsel at Whiteman Osterman & Hanna. From 1993 to 2002 he was an Associate Judge on the New York State Court of Appeals and from 2000 to 2002 he was Chair of the New York Federal-State Judicial Council. Judge Levine served as an Associate Justice on the Supreme Court, Appellate Division, Third Department from 1982 to 1993. In 1981, Judge Levine was a Justice of the State Supreme Court, Fourth Judicial District. Judge Levine also has been a Family Court Judge. Judge Levine was the District Attorney for Schenectady County from 1967 to 1970.

In 2000, Judge Levine was the recipient of the Distinguished Public Service Award from the Federal Commercial Litigation Section of the New York State Bar Association and in 2003 he received its Annual Gold Medal Award for Distinguished Service in the Law.

Judge Levine received his B.A. and LLB from Yale University.

Loretta E. Lynch is a partner at Hogan & Hartson, LLP. Her practice focuses primarily on commercial litigation, white collar criminal defense, and corporate compliance issues. From 1999 to 2001, Ms. Lynch served as U.S. Attorney for the Eastern District of New York. During her tenure, she oversaw an office of more than 150 attorneys who represented the federal government in both civil and criminal matters. Prior to being named U.S. Attorney, Ms. Lynch served as the Chief Assistant U.S. Attorney for the Eastern District. She also served as Chief of the office's Long Island office from 1994 to 1998, after



serving as the Deputy Chief of General Crimes and as Chief of Intake and Arraignments for the district. Ms. Lynch has been a frequent instructor for the U.S. Department of Justice in their Criminal Trial Advocacy Program and has served as an Adjunct Professor at St. John's University School of Law. She has also participated in trial advocacy workshops for the prosecutors of the International Criminal Tribunal for Rwanda and served as Special Counsel to the Prosecutor of the ICTR.

Ms. Lynch is a Member of the Boards of The Legal Aid Society, the National Institute for Trial Advocacy, the Office of the Appellate Defender and the National Institute for Law and Equity. Ms. Lynch is also a Member of the Board of Advisors for the Brennan Center for Justice, NYU School of Law. She is a former Member of the Board of Directors for the Federal Reserve Bank of New York.

Ms. Lynch received her A.B. from Harvard College in 1981, and her J.D. from Harvard Law School in 1984.

John T. Mitchell is of counsel to the law firm of Thorn Gershon Tymann & Bonanni, LLP. Prior to that, Mr. Mitchell was with the firm of Tobin and Dempf, LLP. Mr. Mitchell was Counsel to the Town of Bethlehem Planning Board from 1989 to 1990 and was a member of the Planning Board in 1988.

Mr. Mitchell was a member of the New York State Public Employment Relations Board from 1999 to 2006. He is a founding member of the Albany County Bar Foundation, a past President of the Albany County Bar Association, and a past member of the House of Delegates of the New York State Bar Association.

He received his A.B. from Canisius College and his J.D. from Albany Law School of Union University.



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APPENDIX DIRECTORY

APPENDIX	A	TOP 10 LOBBYISTS
APPENDIX	B	2007/2008 COMPARISON OF TOP 10 LOBBYISTS
APPENDIX	C	2007/2008 COMPARISON OF LOBBYISTS BY NUMBER OF CLIENTS
APPENDIX	D	TOP 3 LOBBYISTS RETAINED – PERCENTAGE INCREASE/DECREASE (COMPENSATION AND REIMBURSEMENT)
APPENDIX	E	2007/2008 COMPARISON OF LARGEST LOBBYING CONTRACTS
APPENDIX	F	TOP 5 LOBBYISTS – AVERAGE CLIENT CONTRACT
APPENDIX	G	TOP 10 CLIENTS AND PUBLIC CORPORATIONS
APPENDIX	H	2007/2008 COMPARISON OF TOP 10 CLIENTS
APPENDIX	I	TOP 5 CLIENTS – NUMBER OF LOBBYISTS
APPENDIX	J	2007/2008 COMPARISON OF MONEY SPENT BY BUSINESS NATURE
APPENDIX	K	LARGEST CIVIL PENALTY FINES IMPOSED
APPENDIX	L	TRENDS IN LOBBYING
APPENDIX	M	2008 FINANCIAL LISTING OF LOBBYISTS/PUBLIC CORPORATIONS

LOBBYISTS RANKED BY TOTAL COMPENSATION AND REIMBURSED EXPENSES FOR 2008*



1. Wilson Elser Moskowitz Edelman & Dicker, LLP	\$10,767,131
2. Lynch, Patricia Associates, Inc.	\$7,953,272
3. Bolton St. Johns, LLC	\$5,849,922
4. Greenberg Traurig, LLP	\$4,710,999
5. Hinman Straub Advisors, LLC	\$4,565,048
6. Kasirer Consulting	\$4,541,156
7. Capalino, James F. & Associates, Inc.	\$4,048,884
8. Malkin & Ross	\$3,306,262
9. Brown McMahon & Weinraub, LLC	\$3,254,164
10. Davidoff Malito & Hutcher, LLP	\$3,024,030

* Based on figures reported in 2008 Lobbyist Bimonthly Reports as of February 27, 2009.

2007/2008 COMPARISON OF TOP 10 LOBBYISTS RANKED BY COMPENSATION AND REIMBURSED EXPENSES



2007		2008	
Wilson Elser Moskowitz Edelman & Dicker, LLP	\$9,632,140	Wilson Elser Moskowitz Edelman & Dicker, LLP	\$10,767,131
Lynch, Patricia Associates, Inc.	\$6,703,038	Lynch, Patricia Associates, Inc.	\$7,953,272
Bolton St. Johns, LLC	\$5,795,530	Bolton St. Johns, LLC	\$5,849,922
Greenberg Traurig, LLP	\$5,051,978	Greenberg Traurig, LLP	\$4,710,999
Kasirer Consulting	\$3,604,193	Hinman Straub Advisors, LLC	\$4,565,048
Hinman Straub Advisors, LLC	\$3,531,338	Kasirer Consulting	\$4,541,156
Davidoff Malito & Hutcher, LLP	\$3,201,897	Capalino, James F. & Associates, Inc.	\$4,048,884
Malkin & Ross	\$3,187,716	Malkin & Ross	\$3,306,262
Brown McMahon & Weinraub, LLC	\$2,767,487	Brown McMahon & Weinraub, LLC	\$3,254,164
Capalino, James F. & Associates, Inc.	\$2,752,970	Davidoff Malito & Hutcher, LLP	\$3,024,030

2007/2008 COMPARISON OF LOBBYISTS BY NUMBER OF CLIENTS



2007		2008	
Lynch, Patricia Associates, Inc.	152	Lynch, Patricia Associates, Inc.	159
Wilson Elser Moskowitz Edelman & Dicker, LLP	135	Wilson Elser Moskowitz Edelman & Dicker, LLP	152
Greenberg Traurig, LLP	108	Capalino, James F. & Associates, Inc.	144
Bolton St. Johns, LLC	94	Greenberg Traurig, LLP	113
Davidoff Malito & Hutcher, LLP	88	Bolton St. Johns, LLC	93
Capalino, James F. & Associates, Inc.	83	Hinman Straub Advisors, LLC	91
Hinman Straub Advisors, LLC	68	Davidoff Malito & Hutcher, LLP	74
Parkside Group, LLC (The)	68	Kasirer Consulting	73
Malkin & Ross	67	Brown McMahon & Weinraub, LLC	65
Kasirer Consulting	57	Malkin & Ross	63

2008 TOP 3 LOBBYISTS

PERCENTAGE INCREASE/DECREASE



INCREASE

DECREASE

Cordo & Company, LLC	369.45 +%	Sanzillo, Francis J. & Associates	32.25 -%
Marsh, Wassermann & McHugh, LLC	65.16 +%	Featherstonhaugh, Wiley & Clyne, LLP	27.04 -%
Kramer Levin Naftalis & Frankel, LLP	62.77 +%	Davidoff Malito & Hutcher, LLP	5.56 -%

* Minimum total of \$1,000,000 compensation and reimbursement.

2007/2008 COMPARISON OF LARGEST LOBBYING CONTRACTS



2007

O'Brien & Gere Limited	O'Brien & Gere Limited	\$1,547,812
Fried Frank Harris Shriver & Jacobson, LLP	Forest City Ratner Companies	\$771,170
Lynch, Bill Associates, LLC	Trustees of Columbia University in the City of New York (The)	\$636,560
Kramer Levin Naftalis & Frankel, LLP	Trustees of Columbia University in the City of New York (The)	\$496,368
Fried Frank Harris Shriver & Jacobson, LLP	Trustees of Columbia University in the City of New York (The)	\$492,155
Kramer Levin Naftalis & Frankel, LLP	East River Realty Company, LLC	\$473,452
Malkin & Ross	Trial Lawyers Association (NYS)	\$413,048
Hinman Straub Advisors, LLC	Excellus Health Plan, Inc.	\$353,576
Wilson Elser Moskowitz Edelman & Dicker, LLP	Bankers Association (NY)	\$350,030
Fried Frank Harris Shriver & Jacobson, LLP	R/V Moynihan Station Developer, LLC	\$340,490

2008

Hinman Straub Advisors, LLC	Excellus Health Plan, Inc.	\$427,532
Wilson Elser Moskowitz Edelman & Dicker, LLP	Bankers Association (NY)	\$372,030
Fried Frank Harris Shriver & Jacobson, LLP	Atlantic Yards Development Company, LLC	\$370,399
Kramer Levin Naftalis & Frankel, LLP	W2005/Hines West Fifty-Third Realty, LLC (FKA Hines)	\$364,256
Fried Frank Harris Shriver & Jacobson, LLP	Merchandise Mart Properties, Inc	\$342,860
Kramer Levin Naftalis & Frankel, LLP	Toll Brooklyn, LP (FKA Toll Brothers, Inc.)	\$332,661
Hinman Straub Advisors, LLC	WellPoint, Inc.	\$319,930
Greenberg Traurig, LLP	Trustees of Columbia University in the City of New York (The)	\$317,245
Kramer Levin Naftalis & Frankel, LLP	East River Realty Company, LLC	\$316,859
Kramer Levin Naftalis & Frankel, LLP	General Growth Properties, Inc.	\$313,221

2007/2008 TOP 5 LOBBYISTS AVERAGE CLIENT CONTRACT*



2007		2008	
Fried Frank Harris Shriver & Jacobson, LLP	\$146,965	Fried Frank Harris Shriver & Jacobson, LLP	\$106,061
Lynch, Bill Associates, LLC	\$145,612	Kramer Levin Naftalis & Frankel, LLP	\$86,552
Constantinople & Vallone Consulting, LLC	\$76,520	Molinari Group, LLC	\$79,500
Geto & DeMilly, Inc.	\$75,269	Wilson Elser Moskowitz Edelman & Dicker, LLP	\$77,836
Powers & Company	\$75,049	Yoswein New York, Inc.	\$71,450

* Minimum of 5 clients

CLIENTS AND PUBLIC CORPORATIONS RANKED BY TOTAL LOBBYING EXPENSES FOR 2008*



1. United Teachers (NYS)	\$4,394,588
2. Verizon	\$2,571,224
3. Medical Society of the State of NY	\$1,660,525
4. Healthcare Association of NYS	\$1,646,931
5. Greater NY Hospital Association	\$1,565,796
6. United University Professions	\$1,108,421
7. Goldman Sachs Group, Inc. & Its Affiliates and Subsidiaries	\$1,013,447
8. Working Families Organization	\$1,006,516
9. Public Employees Federation	\$924,275
10. Trustees of Columbia University in the City of NY (The)	\$919,429

* Based on figures reported in 2008 Client Semi Annual and Public Corporation Bi-monthly Reports as of February 27, 2009.

2007/2008 COMPARISON OF TOP 10 CLIENTS RANKED BY COMPENSATION AND REIMBURSED EXPENSES



2007		2008	
Verizon	\$3,216,488	United Teachers (NYS)	\$4,394,588
Trustees of Columbia University in the City of NY (The)	\$2,260,706	Verizon	\$2,571,224
United Teachers (NYS)	\$2,125,226	Medical Society of the State of NY	\$1,660,525
O'Brien & Gere Limited	\$1,585,113	Healthcare Association of NYS	\$1,646,931
Greater NY Hospital Association	\$1,562,439	Greater NY Hospital Association	\$1,557,545
Healthcare Association of NYS	\$1,546,723	United University Professions	\$1,108,421
Medical Society of the State of NY	\$1,486,128	Goldman Sachs Group, Inc. & its Affiliates and Subsidiaries	\$1,013,447
Forest City Ratner Companies	\$1,160,186	Working Families Organization	\$1,006,516
Trial Lawyers Association (NYS)	\$959,733	Public Employees Federation	\$924,275
United Federation of Teachers	\$876,952	Trustees of Columbia University in the City of NY (The)	\$919,429

2007/2008 TOP 5 CLIENTS
 NUMBER OF LOBBYISTS RETAINED



2007		2008	
Verizon	14	Cable Telecommunications Association of NY, Inc.	11
Cable Telecommunications Association of NY, Inc.	11	Verizon	10
CSC Holdings	11	Pfizer, Inc.	9
Trustees of Columbia University in the City of NY (The)	8	Trustees of Columbia University in the City of NY (The)	8
Pfizer, Inc.	7	Glenwood Management Corp	7

2007/2008 COMPARISON OF MONEY SPENT BY BUSINESS NATURE



2007		2008	
Health & Mental Hygiene	\$26,766,948	Health & Mental Hygiene	\$29,903,131
Real Estate & Construction	\$21,391,827	Real Estate & Construction	\$26,127,525
Education	\$13,274,202	Education	\$13,689,913
Trade Associations	\$12,394,754	Public, Community Interest	\$13,347,591
Public, Community Interest	\$12,266,413	Trade Associations	\$13,238,041
Communications	\$8,449,809	Communications	\$10,530,933
Marketing & Sales	\$8,406,970	Insurance	\$9,052,414
Insurance	\$8,234,363	Marketing & Sales	\$8,820,096
Banking & Financial Services	\$7,312,382	Banking & Financial Services	\$8,572,669
Environment & Natural Resources	\$6,935,807	Manufacturing	\$7,792,979

LARGEST CIVIL PENALTY FINES IMPOSED

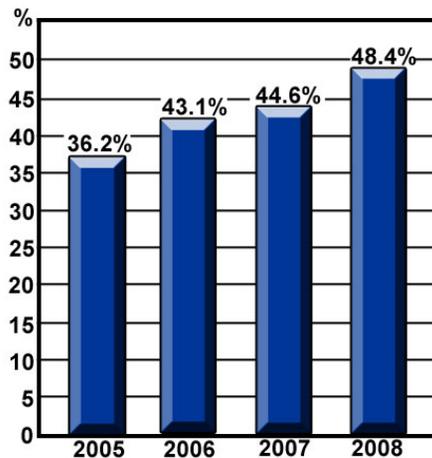


NAME	YEAR	AMOUNT
1. Correctional Services Corporation	2003	\$ 300,000
2. Trump Hotels & Casino Resorts, Inc.	2000	\$250,000
3. AT&T Corporation, et. al.	2002	\$195,000
4. Yankees Entertainment and Sports Network, LLC	2003	\$150,000
5. GTECH Corporation, et. al.	2002	\$90,000
6. Philip Morris Management Corporation	1999	\$75,000
7. Yankees	2003	\$75,000
8. Madison Square Garden	2006	\$75,000
9. New York Susquehanna & Western Railway Corp.	2007	\$75,000
10. Global Strategies, LLC	2003	\$50,000

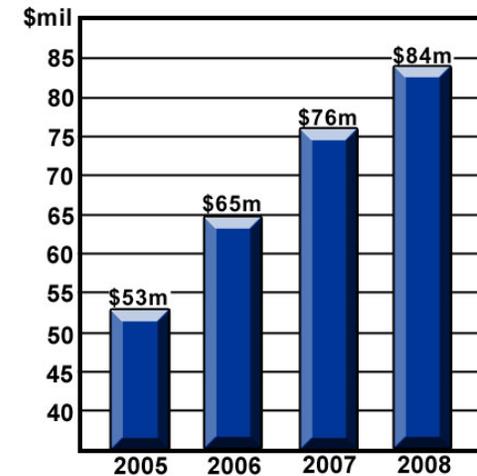
TRENDS IN LOBBYING



LOBBYING PERCENTAGES

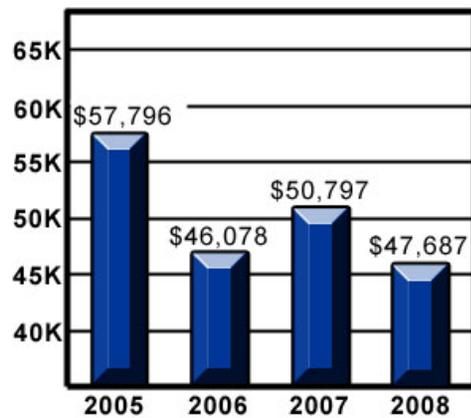


Percentage of total spending by top 25 lobbyists.

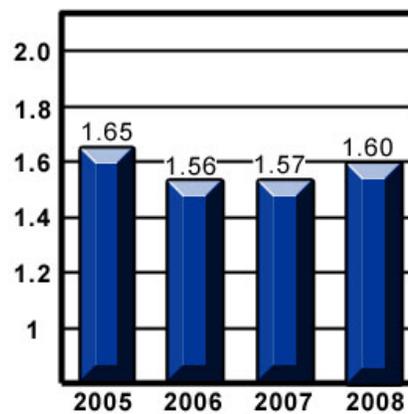


Total Spending by top 25 lobbyists.

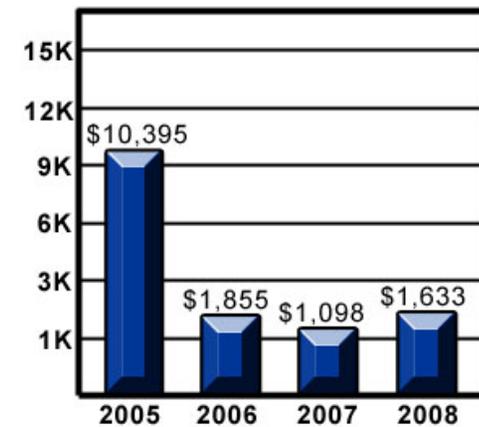
CLIENT AVERAGES



Average spending per client.



Average # of Lobbyists hired per client.



Average spending on advertising per client.