

NEW YORK STATE

COMMISSION ON PUBLIC INTEGRITY

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ANNUAL REPORT



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April 2010

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 2009 Annual Report.

This report includes descriptions of the Commission's training activities, enforcement efforts, investigations and advisory opinions, as well as the legislative proposals for the current year. The report also notes the decrease in spending by lobbyists last year.

The Commission, like other State agencies, 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.

Respectfully,

Barry Ginsberg
Executive Director
And General Counsel

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INTRODUCTION



The State Commission on Public Integrity is responsible for ensuring compliance with the standards that the Public Employee Ethics Reform Act of 2007 established for lobbyists, their clients, and both officers and employees of the Executive Branch of State government. It does this by educating individuals under its jurisdiction, providing advice, collecting records that certain individuals are required to file, working with State agencies and those subject to the lobbying law to encourage compliance and, when necessary, enforcing the law and imposing penalties.

According to semi-annual reports filed with the Commission, \$197.8 million was spent on lobbying in 2009.

In 2009, the Commission began imposing penalties on lobbyists and clients who held receptions for legislators in violation of the law. To date, several such entities have admitted violating the law. The names of legislators and staff who attend those events have been forwarded to the Legislative Ethics Commission (“LEC”) for appropriate action. We note, however, that subsequently the LEC issued two unsigned opinions, essentially stating that legislators and their staff who attend such events do not violate the law, even though the organizations sponsoring the events have made that admission.

The Commission also held a public hearing on legislative proposals to improve the lobbying law. A total of eighteen individuals either appeared personally or delivered statements commenting on the proposals, which are discussed in the [“Legislation”](#) section of this report.

The Commission directly conducted 190 training sessions and began an on-line educational program in 2009, as well as issuing 151 informal advisory opinions and responding to innumerable telephone calls seeking advice.

When necessary, the Commission has imposed significant penalties on those who violated the law. A lobbyist was required to hire an outside monitor to ensure the lobbyist has adequate compliance procedures and that any future violations of the lobbying law are promptly reported to the Commission. In addition, the lobbyist agreed to pay a \$10,000 penalty. The Commission settled one lobbying case for \$60,000 and another case, with a former State employee, for \$25,000, demonstrating its willingness to punish those who violate the law.

Because of the State’s difficult financial situation, the Commission, like other State agencies, faced cutbacks in travel and personnel. We have strived to fulfill our responsibilities while facing these difficult fiscal realities.



OUTREACH, TRAINING, AND EDUCATIONAL SERVICES

A core mission of the Commission on Public Integrity is to train and educate the 250,000 State employees in the Executive Branch of government, as well as the thousands of lobbyists and their clients subject to our jurisdiction.

In 2009, the Commission continued its education outreach services by staffing information tables at the concourse of the Empire State Plaza in Albany. Commission staff was visible to nearly 10,000 State employees as well as members of the lobbying community and the thousands of people who visit the facility each year. Increased attendance at association meetings, and seminars conducted by various municipalities also facilitated training and education goals while limiting costly expenditures.

ELECTRONIC LIBRARY OF MATERIALS AND “GREEN” TRAINING



In an effort to reduce waste, save energy and conserve resources, the Commission’s Training and Educational Services Unit (TES) provides its instructional materials in electronic format. Whenever possible, training workshops will continue this commitment to go “green” by providing hard copy reference materials only when absolutely necessary. An entire page on the Commission’s website is dedicated to providing an electronic library of training and reference materials.

In 2009, we distributed 4,105 electronic publications, including pamphlets, newsletters, and other course materials. In addition, we distributed another 7,655 bound copies of the Public Officers Law (POL) booklet that we had remaining in our reference material inventory. The Commission will no longer publish any bound copies of the Public Officers Law but will solely rely on electronic media versions.

ETHICS IN GOVERNMENT TRAINING

Ethical behavior, transparency, and full disclosure of activities are the foundation behind the core principles highlighted in our training. The Commission directly conducted 190 training sessions for 5,898 employees in 2009. Training can be designed to address a wider audience, or customized to the individual agency, authority, or public benefit corporation.

The Commission also provided continuing legal education (CLE) credits to 789 individuals.

LOBBYING AND PROCUREMENT TRAINING

The Commission conducted 26 training sessions representing 379 clients and lobbyists in 2009. These classroom style instructor-led trainings in combination with the Really Simple Summary (RSS), or RSS news feeds, posted on the Commission website attempt to continually keep our constituents updated and advised of Commission news and advisories.

ONLINE AND ALTERNATIVE TRAINING MEDIA

The Commission offers all its instructor-led training in both standard teleconference and video-conference formats. We offer these sessions as a way of lowering travel costs, increasing staff efficiency, and making our educational materials as accessible as possible.

In January of 2009, the Commission implemented an interactive online “Ethics Overview” training designed to assist agencies unable to take advantage of all the other training opportunities we offer. An example might be a State facility that operates on 24/7 basis or one that has staff who work on an alternate work schedule. A total of 237 individuals took the online “Ethics Overview” course in 2009. We also offer an online “Lobbying Act Training & Education” (LATE) program that is specifically designed to educate the participant on common mistakes made by new filers to the Commission. In 2009, 79 individuals completed this online LATE course.

On February 2nd, the Commission launched its newest version of the Lobbying On-Line Filing System; since that time Training and Educational Services has created a detailed series of “Help on Demand” (HOD) online training modules, which are brief single topic training videos hosted on the Commission’s website. These online training modules were not created to replace a traditional instructor-led seminar, but rather, to refine and reduce the number of routine individual contacts the Commission receives.

We receive numerous telephone calls and e-mails to our Help Desk, Reception, Counsel’s Office and Training that could be answered by taking one of our training modules. A HOD module will never replace a personal contact; however, it can assist those users who need help during off-hours. Since our “Help on Demand” training modules have been available in February of 2009, more than 3,400 Internet users have accessed them through our website.

LOBBYING ENFORCEMENT



In 2009, there were 5,887 lobbyists registered with the Commission, representing 3,499 clients, compared to 6,624 lobbyists representing 4,145 clients in 2008. During this same period, there were 52 public corporations registered, the same as the previous year.

Groups attempting to influence government continue to spend a large amount of money to get their point of view across to State and local decision-makers. According to semi-annual reports filed with the Commission, \$197.8 million was spent on lobbying in 2009. (See chart on following page.)

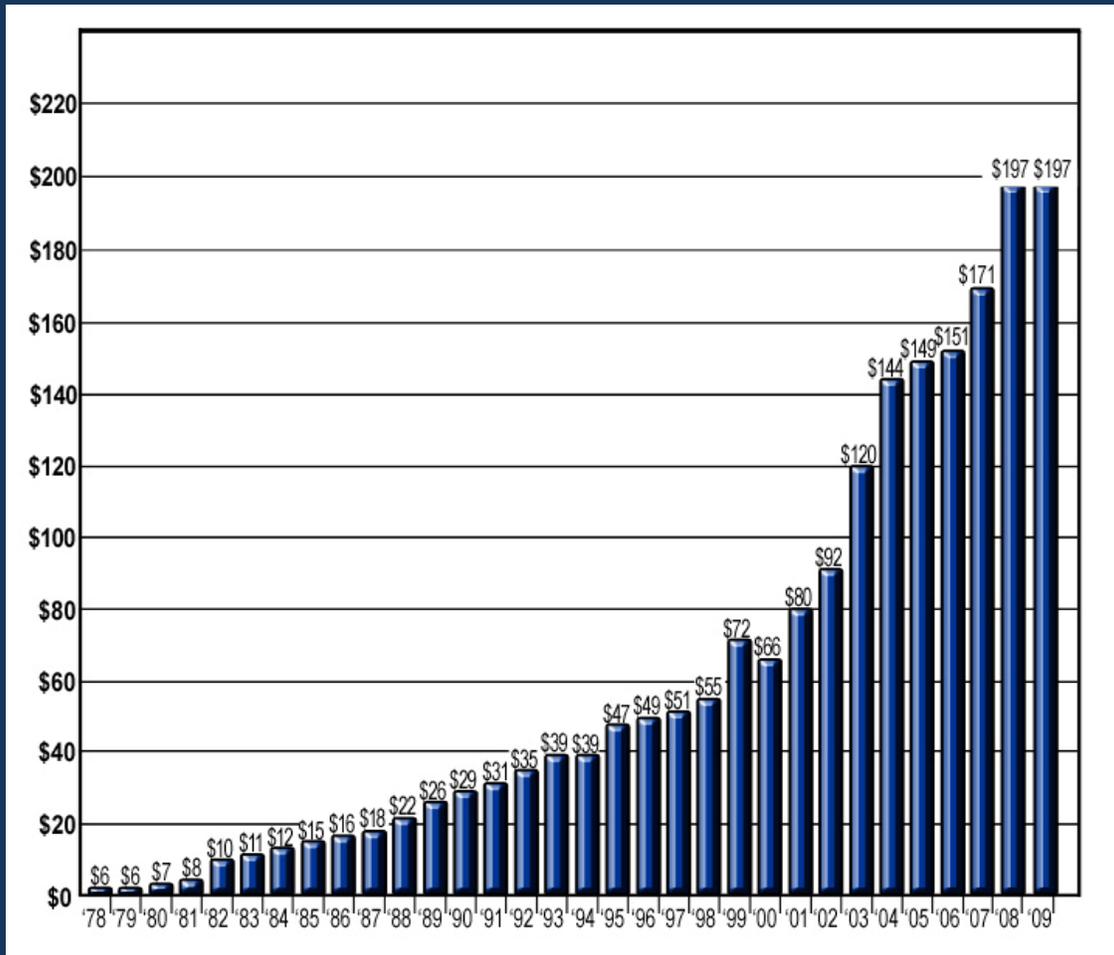
In 2009, there were 15,824 legislative bills before the Legislature and 1,616 rules, regulations, and rates pending before State agencies. The Commission's monitoring responsibilities also extend to lobbyists and clients attempting to influence any local law, ordinance, rule, regulation and rate pending before a municipality or its subdivision. A total of 539 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 222 registrations filed for lobbyists active on procurement matters; another 766 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 lobbying by special interest groups and others. 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 49 inquiries into unregistered lobbying activities, twice as many as the previous year; 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 Lobbying Act; 407 informal findings, which are minor errors in documentation or reporting; and 649 recommendations to improve record keeping or filing procedures.

LOBBYIST SPENDING 1978-2009 (IN MILLIONS)





The Commission on Public Integrity held a public hearing on its staff legislative proposals to amend the Lobbying Act in September 2009. Four people testified at the hearing and written testimony was received from fourteen others.

The proposals, made by Commission staff, would change the Lobbying Act's definition of "lobbying," "expense" and "expenses;" and "gift;" impose a penalty on any lobbyist or client who fails to comply with a Commission audit; establish a civil penalty for use of illegal lobbying contingent retainer agreements; increase the time period for which lobbyists and clients must retain their records; and increase the monetary threshold that triggers filings by lobbyists and clients.

The proposed definition of lobbying – essentially, any paid effort to influence governmental action -- would include matters currently not covered, such as discussions of possible new legislative actions prior to the drafting of legislation.

The proposal to amend the definition of "expense" and "expenses" would include political contributions made by registered lobbyists and their clients. Since campaign contributions are the most common and effective tool that lobbyists and clients have to secure access to elected officials, requiring their disclosure would enhance transparency, a central objective of the Lobbying Act.

The Commission also has six legislative proposals dealing with ethics. Topping that 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 disclose first 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 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 that 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 would be 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 (six years) 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 that 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 savings to the State of New York.

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’s 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 and step relationships that fall within its plain meaning, and domestic partner relationships.

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, whose staff then enters the data electronically.

This on-line application has significantly improved public disclosure of lobbying information. An interactive query screen offers an extensive number of search criteria to 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, at no cost.

-  Approximately 96 percent of lobbyists and 54 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 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.

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

All statements and reports received by the Commission are reviewed for accuracy and completeness. In 2009, over 43,500 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 2009, 360 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 as required and that the associated event costs are properly disclosed in lobbying reports. In 2009, \$6,167,701 was reported for advertising expenses and \$1,609,013 was reported for event related expenses.

ETHICS FILINGS

More than 27,000 people filed financial disclosure statements in 2009, with 88 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 spouses 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 \$84,863 in 2009) 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 36 requests to inspect 193 financial disclosure statements, a significant decrease from the previous year, when there were 96 requests to inspect 372 financial disclosure statements.



The Commission is empowered to begin investigations either upon receipt of a complaint or on its own initiative. In 2009, the Commission opened 61 cases and issued 36 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, it notifies the complainant and the subject of the complaint and terminates the investigation. Pursuant to Executive Law §94(12)(a), the investigation then remains confidential.

SUMMARY OF MAJOR CASES

Crane, et al.: The Commission reached a settlement of \$60,000 in a case involving three companies: Powers Crane & Company, LLC, Crane and Vacco, LLC and Crane Consulting, LLC. As part of the agreement, the companies admitted to all of the violations of law that the Commission alleged.

Powers Crane & Company admitted six violations of false filing of a bi-monthly report. Four of the reports involved Duane Reade, Inc., one involved the New York State Laborer's Political Action Committee, and one involved Delaware North Companies, Inc.

Crane and Vacco admitted two violations of false filing of a bi-monthly report. One involved the Cable Telecommunications Association of New York and the other involved Delaware North Companies, Inc.

Crane & Vacco and Crane Consulting Group admitted providing a gift to two public officials in excess of the maximum permitted by law.

The cases were referred to the Commission in September 2007 after the final meeting by the New York Temporary State Commission on Lobbying. As part of the agreements, the companies waived their right to challenge the settlements in any proceeding, judicial or otherwise.

Marie G. DiMicco: The largest civil settlement ever reached with a former State employee came when Marie G. DiMicco, a former Supervisor of Pharmacy at Westchester County Healthcare Corporation (WCHC), admitted that she violated the post-employment restrictions of the ethics law by illegally appearing before her 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. Ms. DiMicco

was hired as a Clinical Pharmacist of Cardinal Health, Inc. and allegedly performed duties as a Cardinal employee at WCHC. She agreed to pay a civil penalty of \$25,000.

Troopergate: In 2008, 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.

Two officials reached settlements with the Commission in 2008. In 2009, the Commission assessed a civil penalty of \$10,000 against Darren Dopp, former Communications Director to then-Governor Eliot Spitzer, in regard to his involvement in the matter. Mr. Dopp misused the resources of the State Police to create official-looking documents, which otherwise would not have existed, as part of his scheme to discredit a political opponent. The Commission noted, "Such misconduct erodes public confidence in both the integrity and the independence of our State Police."

The Commission also reached a settlement with Preston Felton, former Acting Superintendent of the State Police. As part of the agreement, Mr. Felton admits that he violated Public Officers Law §74(3)(h) "by acceding to requests . . . to create documents and transmit sensitive information concerning senate Majority Leader Joseph Bruno's use of State aircraft for trips to New York City and his ground itineraries during such trips." The law does not authorize the Commission to assess a monetary penalty for this violation.

Bill Lynch Associates: The Commission required a lobbyist to hire an outside monitor to ensure the lobbyist has adequate compliance procedures and that any future violations of the lobbying law are promptly reported to the Commission. In addition, the lobbyist agreed to pay a \$10,000 penalty.

Bill Lynch & Associates, LLC was charged with failing to file an Amended Statement of Registration indicating that its client, Trustees of Columbia University of New York City, had increased its compensation by almost \$400,000. During discussions with the Commission, Mr. Lynch voluntarily reported other discrepancies of which the Commission was not aware.

Under the agreement, Mr. Lynch will pay Mark Glaser, of Greenberg Traurig LLP, to develop a Compliance Program detailing the actions that will be taken to help assure accuracy in future reporting. Mr. Glaser also will provide periodic reports to the Commission on Mr. Lynch's progress. The arrangement is scheduled to continue until July 15, 2011.

In line with the Federal Sentencing Guidelines for Organizations, which provide that an organization is entitled to leniency if it enacts a compliance program in good faith, the

Commission will waive \$7,500 of the \$10,000 if the company complies with all the provisions of the settlement agreement.

Legislative Receptions: The Commission charged several lobbying entities with violating the gift ban contained in the lobbying law when they held receptions for public officials and provided complimentary food and refreshments in excess of nominal value. The entities admitted the violation and each paid a civil penalty of \$250.

The Commission forwarded the names of legislators and staff who attended the reception to the Legislative Ethics Commission (LEC). We note, however, that in 2010, the LEC issued two unsigned opinions, essentially stating that legislators and their staff who attend such events do not violate the law, even though the organizations sponsoring the events have made that admission.

The Public Employee Ethics Reform Act of 2007 significantly changed the law by prohibiting public officials and State officers and employees from accepting gifts of more than nominal value, which the Commission has determined to be no more than the value of an ordinary cup of coffee. Gifts of \$75 or less had been allowed in the past, and receptions such as these often were permissible and common.

Paul Wolfle: A former Examiner for the State Workers' Compensation Board, Paul Wolfle agreed to pay \$3,000 to settle allegations that he appeared before his former agency as a representative of Gallagher Bassett of New York. Mr. Wolfle submitted six applications for workers' compensation insurance benefits for the company in 2007 within two years of leaving State service.

Clifton VanGuilder: A former employee of the Department of Environmental Conservation (DEC), Clifton VanGuilder allegedly violated the State Code of Ethics by soliciting the U.S. Department of Energy (DOE) to fund a post-employment position for himself at the Knolls Atomic Power Laboratory (KAPL). DOE holds a license from DEC for its operations at KAPL.

Mr. VanGuilder, a former Environmental Engineer III, allegedly sought an illegal gift and an unwarranted privilege by asking DOE to fund the position for him. He also is charged with acting in a way that would lead to the impression that he was violating his public trust. Specifically, Mr. VanGuilder is charged with violating Public Officers Law Sections 73(5) and 74(3)(d), (f) and (h).

Bruce W. Sauter: A former employee of the State Office of Real Property Services (ORPS), Bruce W. Sauter was charged with violating the State's ethics law on four occasions when he appeared before his former agency within two years of leaving State service.

Mr. Sauter was a Chief Information Officer for ORPS prior to leaving State service. He is charged with appearing before his former agency on four occasions between October 12, 2006 and February 1, 2007.

2009 SETTLEMENT AGREEMENTS/CIVIL ASSESSMENTS LOBBYING

NAME	VIOLATION CHARGED	AMOUNT PAID/OWED	OUTCOME	DATE
Independent Beer Distributors of New York	Legislative Law 1-A §1-j	\$5000	Civil Assessment	2/3/2009
New York IKFD, LLC	Legislative Law 1-A §1-j	\$1500	Civil Assessment	2/3/2009
ADG-SOHO	Legislative Law 1-A §1-j	\$500	Settled	2/4/2009
Air Pegasus Heliport, Inc.	Legislative Law 1-A §1-j	\$2500	Settled	4/28/2009
American Recycling Technologies, Inc.	Legislative Law 1-A §1-j	\$500	Settled	4/28/2009
Raby Alexander, Group on behalf of Cybersettle	Legislative Law 1-A §1-h	\$3000	Civil Assessment	4/28/2009
Raby Alexander, Group on behalf of Cybersettle	Legislative Law 1-A §1-h		Civil Assessment	4/28/2009
Raby Alexander, Group on behalf of Cybersettle	Legislative Law 1-A §1-h		Civil Assessment	4/28/2009
Independent Beer Wholesalers of NY	Legislative Law 1-A §1-j	\$5000	Civil Assessment	6/12/2009
Star 3005 LLC	Legislative Law 1-A §1-j	\$1000	Civil Assessment	6/12/2009
Uniformed EMS Officers Union, FDNY, Local 3621	Legislative Law 1-A §1-j	\$3500	Civil Assessment	6/12/2009
Aeralert US, LLC	Legislative Law 1-A §1-j	\$1500	Civil Assessment	10/22/2009
Amardeep Singh on behalf of the Sikh Coalition, Inc.	Legislative Law 1-A §1-h	\$3500	Civil Assessment	10/22/2009

NAME	VIOLATION CHARGED	AMOUNT PAID/OWED	OUTCOME	DATE
Bolton St. Johns Inc. on behalf of Medtonic Sofamor Danek, USA, Inc.	Legislative Law 1-A §1-e(a)(4), 1-h(b)(5)	\$500	Settled	10/22/2009
Crane Vacco & Crane Consulting on behalf of Delaware North	Legislative Law 1-A §1-m	\$5000	Settled	10/22/2009
Crane Vacco on behalf of Cable NY	Legislative Law 1-A §1-h	\$5000	Settled	10/22/2009
Ichud Mosdos	Legislative Law 1-A §1-j	\$2500	Civil Assessment	10/22/2009
New York Trial Lawyers Association	Legislative Law 1-A §1-m	\$250	Settled	10/22/2009
Powers Crane & Co on behalf of Delaware North	Legislative Law 1-A §1-h		Settled	10/22/2009
Powers Crane & Co on behalf of Duane Reade	Legislative Law 1-A §1-h	\$50,000	Settled	10/22/2009
Powers Crane & Co on behalf of NYS Laborer's PAC	Legislative Law 1-A §1-h		Settled	10/22/2009
The Association of PBA's	Legislative Law 1-A §1-m	\$250	Settled	10/22/2009
Uniformed Firefighters Association	Legislative Law 1-A §1-m	\$250	Settled	10/22/2009
Bill Lynch Associates Inc. on behalf of Trustees of Columbia University of NYC	Legislative Law 1-A §1-e(d)	\$2500	Settled	12/10/2009
Greater Rochester Association of Realtors	Legislative Law 1-A §1-m	\$250	Settled	12/10/2009
NYS Association of Health Care Providers	Legislative Law §1-m	\$250	Settled	12/10/2009
Patricia Lynch Association, Inc.	Legislative Law 1-A §1-e(a)(4)	\$500	Settled	12/10/2009

**2009 SETTLEMENT AGREEMENTS/CIVIL ASSESSMENTS
PUBLIC OFFICERS LAW**

NAME	VIOLATION CHARGED	AMOUNT PAID/OWED	OUTCOME	DATE
Paul Wolfe	Public Officers Law §73(8)(a)	\$3000	Settled	4/29/2009
Marie G. Dimicco	Public Officers Law §73(8)(a)	\$25,000	Settled	5/4/2009
James Brunet	Public Officers Law §73(8)(a)(i)	\$10,000	Settled	6/12/2009
Darren Dopp	Public Officers Law §§74(3)(d) and (h)	\$10,000	Civil Assessment	10/7/2009
Preston Felton	Public Officers Law §74(3)(c)(d) and (h)	\$0	Settled	11/24/2009



Individuals subject to the Commission's jurisdiction may request 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. 09-01 is the first opinion issued in 2009.]

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 NO. 09-01: In response to requests for a Commission interpretation of 19 NYCRR Part 930.6(a)(7), the Commission's regulation identifying individuals or entities from whom a State officer or employee may permissibly accept reimbursement for travel expenses that are related to his or her official duties, the Commission determined that a State officer or employee may permissibly accept travel expense reimbursement from a non-governmental organization that has members who may be engaged in activities listed in 19 NYCRR Part 930.6(a)(7)(i-iv), provided the non-governmental organization's officers or members of its board of directors are not engaged in the listed activities.

In keeping with the letter and the spirit of the regulations, State officers and employees should only accept travel reimbursement when it is clear that the non-governmental organization is not being used as a subterfuge to offer reimbursement from an entity or individual who would otherwise be disqualified from providing travel reimbursement in accord with the Commission's

regulation or Public Officers Law §74. Accepting travel reimbursement from a non-governmental organization that is merely passing through funds from individuals or entities who would otherwise be barred, pursuant to a Commission regulation or statute, from providing such reimbursement may be a violation of one of more of the prohibitions contained in Public Officers Law §74(3). Therefore, State officers and employees should inquire into the source of the travel reimbursement from a non-governmental organization.

ADVISORY OPINION NO. 09-02: The New York State Department of Transportation asked whether its Student Assistants, Engineering Interns and Transportation Construction Inspectors (referred to collectively as “Interns”), who either pay a fee to the Public Employee Federation (“PEF”) but are not members or become PEF members by virtue of their employment and, as a result, receive union benefits, qualify as “students” under Advisory Opinion No. 91-01 who are exempt from the post-employment restrictions of Public Officers Law §73(8)(a).

The Commission concluded that Interns who pay a fee to PEF but are not members as well as those who are PEF members, and who otherwise meet the criteria of “student” set forth in Advisory Opinion No. 91-01, are not subject to the revolving door provisions of Public Officers Law §73(8)(a), because they receive PEF benefits, not State employee benefits.

ADVISORY OPINION NO. 09-03: The State Insurance Department asked whether either the two-year bar or the lifetime bar, set forth in Public Officers Law §73(8)(a) prohibits a former Department employee, who left the Department less than two years ago, from accepting an appointment by the Superintendent of Insurance as an uncompensated member of the Board of Governors of the New York Compensation Insurance Rating Board (“NYCIRB”).

The Commission determined that the former Department employee, who terminated employment within the previous two years and who is subject to the two-year and the lifetime bars, may serve as the Superintendent’s appointee to an uncompensated position on the NYCIRB Board. Moreover, in the course of performing her duties and responsibilities as a Board member, the former employee may appear before the Department, since any such appearance would be made at the request of and for the benefit of the State and, under the circumstances described hereafter, would not involve a transaction in which she was directly involved as a Department employee.

ADVISORY OPINION NO. 09-04: The Commission re-visited the issue raised in Advisory Opinion No. 05-02 of the New York State Ethics Commission, a predecessor of this Commission, which determined that a full-time City College of New York professor whose annual salary exceeded the statutory filing rate was required to file an Annual Statement of Financial Disclosure for a year in which he received about \$1,800 less in compensation than the filing rate as a result of taking a voluntary half-pay sabbatical for one semester.

The Commission concluded that a State officer or employee who is not a policymaker and serves in a position with a full-time salary in excess of the filing rate, but who is hired on a permanent part-time basis and, thus, receives annual compensation that is intended to be less than the filing rate, and cannot exceed the filing rate, is not required to file an Annual Statement of Financial Disclosure with the Commission.

ADVISORY OPINION NO. 09-05: In response to a written request from a lobbyist retained by a church to engage in local lobbying the Commission determined that Legislative Law §1-c(c)(F) exempts only a church, its integrated auxiliary, or a convention or association of churches from the Lobbying Act's registration and reporting requirements with respect to local lobbying activities. This statutory exemption does not extend to a lobbyist retained by a church, its integrated auxiliary, or a convention or association of churches to engage in local lobbying activities on the entity's behalf. Thus, such a lobbyist is required to register with the Commission and file required annual and bi-monthly reports with the Commission to the extent such registration and reporting is otherwise required by the Lobbying Act (e.g., the anticipated lobbying fees and costs exceed \$5,000). Similarly, and to the same extent, a church, its integrated auxiliary, or a convention or association of churches that retains a lobbyist for such a purpose is required to file client semi-annual reports with the Commission.

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:

Michael G. Cherkasky is Chairman of the Commission on Public Integrity. He also is Chief Executive Officer for Altegrity. For the past 25 years, Mr. Cherkasky has supported the law enforcement community in numerous oversight and policy development roles.

For the past eight years, Mr. Cherkasky also has served as the Independent Monitor for the Los Angeles Police Department, using his extensive career as an attorney and experience with the law enforcement community to lead an official oversight board.

Early in his career, he served as a law clerk in the United States District Court for the Northern District of Ohio, and later became an Assistant District Attorney in Manhattan, where he served as a trial attorney, Trial Bureau Chief, Chief of the Rackets Bureau, and Chief of the Investigations Division.

In 1994, Mr. Cherkasky joined Kroll, Inc., and founded and led Kroll Monitoring Services. When Kroll, Inc. was acquired by Marsh & McLennan Companies, Inc., Mr. Cherkasky was appointed President and CEO. He held this position until 2008, and joined Altegrity in July 2008 in the same capacity.

Mr. Cherkasky earned his Bachelor of Arts degree in History and his Juris Doctorate from Case Western Reserve.

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 and Limmer, LLP, of Great Neck, New York. He is the head of 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. He served from 2005 to 2008 as Chairman of the Correctional Association of New York and remains a Director of the Association, which was founded in 1844 to visit and monitor New York State prisons. He also is a Director of the Levitt Foundation and a Director of the Long Island Medical Foundation. Mr. Brickman is a member of the National Roster of Arbitrators for the American Arbitration Association. From 2005 to 2009, he was a Director of the Nassau Health Care Corporation, and from 1992 to 1994 he served as a Trustee of The Johns Hopkins University and President of the Johns Hopkins Alumni Association. From 1991 to 2006, he was Adjunct Professor of Law at Touro College's Jacob D. Fuchsberg Law Center. He writes and speaks on issues relating to civilian oversight of prisons and jails, and presents continuing legal education programs for lawyers.

Mr. Brickman received his undergraduate degree from Johns Hopkins 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 LLP. 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 & 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 LLP. 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 LLP, 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 Integrity in Government, 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.

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.

Steven C. Krane is a partner in Proskauer Rose LLP in New York City, concentrating in representing lawyers and law firms in legal ethics and professional liability matters. He is Co-Chair of the firm's Law Firm Practice Group, and serves as General Counsel. A 1981 graduate of the New York University School of Law, he served as law clerk to Judge Judith S. Kaye of the New York Court of Appeals from 1984 to 1985.

Mr. Krane was the Chair of the American Bar Association Standing Committee on Ethics and Professional Responsibility. He was President of the New York State Bar Association during 2001-02, and was chair of the NYSBA Committee on Standards of Attorney Conduct and its predecessor from 1995 to 2010. Mr. Krane served as a member of the NYSBA Committee on Professional Ethics, the New York City Bar's Committee on Professional and Judicial Ethics, including three years as Chair. He is a member of the Policy Committee of the Bar Issues Commission of the International Bar Association, and is Vice-Chair of the IBA Committee on Multidisciplinary Practices.

Mr. Krane has been both member and Chair of Hearing Panels of the First Judicial Department in New York, and the United States District Court for the Southern District of New York. He is currently a Special

Referee for disciplinary cases in the Appellate Division, Second Judicial Department. He has written and lectured extensively on attorney ethics issues, and taught professional responsibility at the Columbia University School of Law from 1989 to 1992.

Hon. Howard A. Levine is Senior Counsel at Whiteman Osterman & Hanna LLP. 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 the Bar Association's 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 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 counsel to the law firm of Thorn Gershon Tymann & Bonanni, LLP. Prior to that, Mr. Mitchell was a partner with the law firms of Tobin and Dempf, LLP and Casey, Yanas and Mitchell. 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.

Joseph A. Spinelli is co-founder and COO of Daylight Forensic & Advisory LLC. Earlier in his career, Mr. Spinelli was a Special Agent for the Federal Bureau of Investigation. Governor Mario Cuomo appointed him as New York State's first Inspector General. Mr. Spinelli also served New York State as Assistant Director of Criminal Justice. After leaving State service, Mr. Spinelli joined a "Big Four" accounting firm as a principal in 1994, founding its forensic practice.

Mr. Spinelli earned a Bachelor's Degree from Ricker College and graduated from the John Marshall Law School. In 2004, he was elected to the Board of Regents of the Association of Certified Fraud Examiners.

THE COMMISSION GREATLY APPRECIATES THE EXEMPLARY SERVICE OF THE FOLLOWING COMMISSIONERS WHO LEFT THE COMMISSION.

 **CHAIR JOHN D. FEERICK**

 **DANIEL R. ALONSO**

 **DANIEL J. FRENCH**

 **ROBERT J. GIUFFRA, JR.**

 **DAVID L. GRUENBERG**



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DEBORAH L. NOVAK	Assistant to the Executive Director

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TONI L. DIEHL	Confidential Stenographer

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RALPH P. MICCIO	Special Counsel and Audit Supervisor
KATHLEEN H. BURGESS	Associate Counsel
SHARI CALNERO	Associate Counsel
BRIDGET E. HOLOHAN	Associate Counsel
BARBARA H. O'NEILL	Associate Counsel
MELINDA E. FUNK	Confidential Assistant
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HOWARD W. GRIEVES	Training Associate
BETHNEY A. DENNO	Training Associate
MARLENA C. DIAZ	Training Assistant

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MARIA E. GUEVARA	Compliance Auditor
AMY HOSLER	Compliance Auditor

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CAROL J. MIRABELLI	Confidential Assistant
MARIANA G. CADIZ	Confidential Assistant
LINDA S. WOYTOWICH	Confidential Assistant
DANA KORNEGAY	Confidential Clerk

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KENNETH W. SZESNAT, SR.	Assistant Manager of Information Services
JENNIFER J. PHELPS	Information Technology Specialist
ERIK A. SMEDSTAD	Information Technology Specialist
TOM KENNA	Information Technology Specialist
STACI R. TESON	Confidential Clerk
BREANNA J. KAJANO	Confidential Clerk

HEARING OFFICER

CHRISTINE C. KOPEC

APPENDIX DIRECTORY



Appendix A	TOP 10 LOBBYISTS
Appendix B	2008/2009 COMPARISON OF TOP 10 LOBBYISTS
Appendix C	2008/2009 COMPARISON OF LOBBYISTS BY NUMBER OF CLIENTS
Appendix D	TOP 3 LOBBYISTS RETAINED – PERCENTAGE INCREASE/DECREASE (COMPENSATION AND REIMBURSEMENT)
Appendix E	2008/2009 COMPARISON OF LARGEST LOBBYING CONTRACTS
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Appendix G	TOP 10 CLIENTS AND PUBLIC CORPORATIONS
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Appendix L	2009 FINANCIAL LISTING OF LOBBYISTS/PUBLIC CORPORATIONS

LOBBYISTS RANKED BY TOTAL COMPENSATION AND REIMBURSED EXPENSES FOR 2009*



1. Wilson Elser Moskowitz Edelman & Dicker, LLP	\$10,876,601
2. Lynch, Patricia Associates, Inc.	\$8,456,806
3. Bolton St. Johns, LLC	\$5,359,600
4. Greenberg Traurig, LLP	\$4,836,325
5. Hinman Straub Advisors, LLC	\$4,411,420
6. Kasirer Consulting	\$3,624,022
7. Brown McMahon & Weinraub, LLC	\$3,077,352
8. Malkin & Ross	\$3,043,060
9. Manatt, Phelps & Phillips, LLP	\$2,596,542
10. Parkside Group, LLC (The)	\$2,567,168

* Based on figures reported in 2009 Lobbyist Bimonthly Reports as of February 26, 2010.

COMPARISON OF TOP 10 LOBBYISTS RANKED BY COMPENSATION AND REIMBURSED EXPENSES



2008 ←

→ **2009**

Wilson Elser Moskowitz Edelman & Dicker, LLP	\$10,767,131	Wilson Elser Moskowitz Edelman & Dicker, LLP	\$10,876,601
Lynch, Patricia Associates, Inc.	\$7,953,272	Lynch, Patricia Associates, Inc.	\$8,456,806
Bolton St. Johns, LLC	\$5,849,922	Bolton St. Johns, LLC	\$5,359,600
Greenberg Traurig, LLP	\$4,710,999	Greenberg Traurig, LLP	\$4,836,325
Hinman Straub Advisors, LLC	\$4,565,048	Hinman Straub Advisors, LLC	\$4,411,420
Kasirer Consulting	\$4,541,156	Kasirer Consulting	\$3,624,022
Capalino, James F. & Associates, Inc.	\$4,048,884	Brown McMahon & Weinraub, LLC	\$3,077,352
Malkin & Ross	\$3,306,262	Malkin & Ross	\$3,043,060
Brown McMahon & Weinraub, LLC	\$3,254,164	Manatt, Phelps & Phillips, LLP	\$2,596,542
Davidoff Malito & Hutcher, LLP	\$3,024,030	Parkside Group, LLC (The)	\$2,567,168

COMPARISON OF LOBBYISTS BY NUMBER OF CLIENTS



2008 ←

→ **2009**

Lynch, Patricia Associates, Inc.	159	Lynch, Patricia Associates, Inc.	183
Wilson Elser Moskowitz Edelman & Dicker, LLP	152	Wilson Elser Moskowitz Edelman & Dicker, LLP	161
Capalino, James F. & Associates, Inc.	144	Greenberg Traurig, LLP	108
Greenberg Traurig, LLP	113	Bolton St. Johns, LLC	95
Bolton St. Johns, LLC	93	Hinman Straub Advisors, LLC	85
Hinman Straub Advisors, LLC	91	Capalino, James F. & Associates, Inc.	81
Davidoff Malito & Hutcher, LLP	74	Kasirer Consulting	73
Kasirer Consulting	73	Davidoff Malito & Hutcher, LLP	64
Brown McMahon & Weinraub, LLC	65	Brown McMahon & Weinraub, LLC	63
Malkin & Ross	63	Parkside Group, LLC (The)	63

2009 TOP 3 LOBBYISTS

PERCENTAGE INCREASE/DECREASE



INCREASE ← → DECREASE

Roffe Group P.C. (The)	+40 %	Capalino, James F. & Associates, Inc.	-51 %
Park Strategies, LLC	+35 %	Fried Frank Harris Shriver & Jacobson, LLP	-47 %
Empire Strategic Planning, Inc.	+21 %	Powers & Company	-27 %

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

COMPARISON OF LARGEST LOBBYING CONTRACTS

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

2009

Kramer Levin Naftalis & Frankel, LLP	W2005/Hines West Fifty-Third Realty, LLC (FKA Hines)	\$678,440
Fried Frank Harris Shriver & Jacobson, LLP	Atlantic Yards Development Company, LLC	\$466,421
Hinman Straub Advisors, LLC	Excellus Health Plan, Inc.	\$425,026
Kramer Levin Naftalis & Frankel, LLP	Vornado Realty Trust	\$391,420
Wilson Elser Moskowitz Edelman & Dicker, LLP	Bankers Association (NY)	\$375,049
Sullivan & Cromwell, LLP	Clearing House Association, LLC (The)	\$360,000
Hinman Straub Advisors, LLC	Wellpoint, Inc.	\$330,808
Bolton St. Johns, LLC	Recording Industry Association of America, Inc.	\$329,667
Park Strategies, LLC	County of Madison	\$327,000
Miram Group, LLC (The)	Transport Workers Union, Local 100	\$320,221

APPENDIX E

TOP 5 LOBBYISTS AVERAGE CLIENT CONTRACT*



2008 ←

→ **2009**

1. **Fried Frank Harris Shriver & Jacobson, LLP** **\$106,061**
2. **Kramer Levin Naftalis & Frankel, LLP** **\$86,552**
3. **Molinari Group, LLC** **\$79,500**
4. **Wilson Elser Moskowitz Edelman & Dicker, LLP** **\$77,836**
5. **Yoswein New York, Inc.** **\$71,450**

1. **Burgos, Tonio & Associates, Inc.** **\$89,140**
2. **Fried Frank Harris Shriver & Jacobson, LLP** **\$81,092**
3. **Plummer & Associates,** **\$80,574**
4. **Corning Place Consulting,** **\$76,636**
5. **Kramer Levin Naftalis & Frankel, LLP** **\$74,129**

* Minimum of 5 clients

CLIENTS AND PUBLIC CORPORATIONS RANKED BY TOTAL LOBBYING EXPENSES FOR 2009*



1. United Teachers (NYS)	\$3,559,550
2. Mayoral Accountability for Student Success	\$3,048,531
3. 1199/SEIU & GNYHA Healthcare Education Project	\$2,316,419
4. Healthcare Association of NYS	\$1,799,999
5. Greater NY Hospital Association	\$1,759,372
6. Medical Society of the State of NY	\$1,451,579
7. Verizon	\$1,381,162
8. Public Employees Federation	\$1,286,486
9. United University Professions	\$1,273,255
10. Wegmans Food Markets, Inc.	\$1,243,562

* Based on figures reported in 2009 Client Semi Annual and Public Corporation Bi-monthly Reports as of February 26, 2010.

COMPARISON OF TOP 10 CLIENTS RANKED BY COMPENSATION AND REIMBURSED EXPENSES



2008 ←

→ **2009**

United Teachers (NYS)	\$4,394,588	United Teachers (NYS)	\$3,559,550
Verizon	\$2,571,224	Mayoral Accountability for Student Success	\$3,048,531
Medical Society of the State of NY	\$1,660,525	1199/SEIU & GNYHA Healthcare Education Project	\$2,316,419
Healthcare Association of NYS	\$1,646,931	Healthcare Association of NYS	\$1,799,999
Greater NY Hospital Association	\$1,557,545	Greater NY Hospital Association	\$1,759,372
United University Professions	\$1,108,421	Medical Society of the State of NY	\$1,451,579
Goldman Sachs Group, Inc. & its Affiliates and Subsidiaries	\$1,013,447	Verizon	\$1,381,162
Working Families Organization	\$1,006,516	Public Employees Federation	\$1,286,486
Public Employees Federation	\$924,275	United University Professions	\$1,273,255
Trustees of Columbia University in the City of NY (The)	\$919,429	Wegmans Food Markets, Inc.	\$1,243,562

TOP CLIENTS RANKED BY NUMBER OF LOBBYISTS RETAINED



2008

2009

Cable Telecommunications Association of New York, Inc.	11	CSC Holdings, LLC	11
Verizon	10	Cable Telecommunications Association of New York, Inc.	9
Pfizer, Inc.	9	Atlantic Yards Development Company, LLC	9
Trustees of Columbia University in the City of NY (The)	8	Glenwood Management Corporation	8
Glenwood Management Corp	7	Atria Client Services, Inc. and its Affiliates	7
		Verizon	7

COMPARISON OF MONEY SPENT BY BUSINESS NATURE



2008

2009

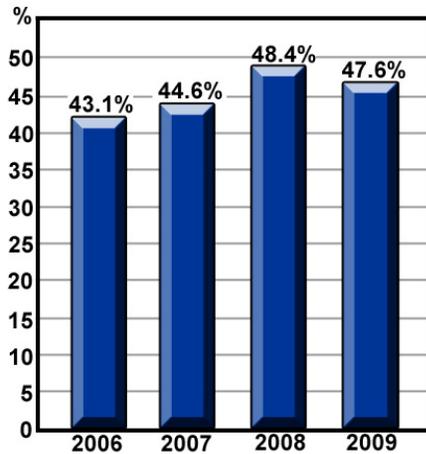
Health & Mental Hygiene	\$29,903,131	Health & Mental Hygiene	\$30,612,826
Real Estate & Construction	\$26,127,525	Real Estate & Construction	\$22,568,168
Education	\$13,689,913	Education	\$13,907,447
Public, Community Interest	\$13,347,591	Trade Associations	\$12,628,516
Trade Associations	\$13,238,041	Public, Community Interest	\$12,383,721
Communications	\$10,530,933	Marketing & Sales	\$11,329,138
Insurance	\$9,052,414	Manufacturing	\$9,532,616
Marketing & Sales	\$8,820,096	Communications	\$8,271,709
Banking & Financial Services	\$8,572,669	Insurance	\$8,222,556
Manufacturing	\$7,792,979	Labor	\$7,701,886

TRENDS IN LOBBYING

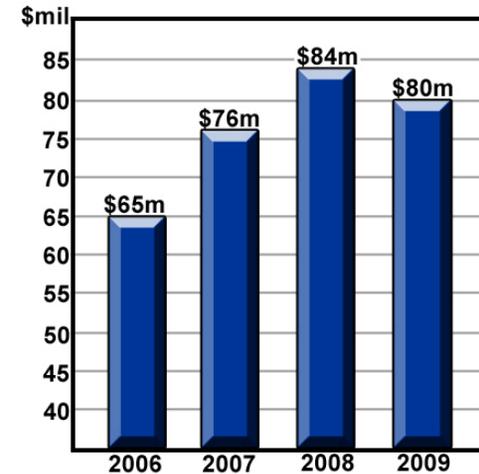
LOBBYING PERCENTAGES AND CLIENT AVERAGES



LOBBYING PERCENTAGES

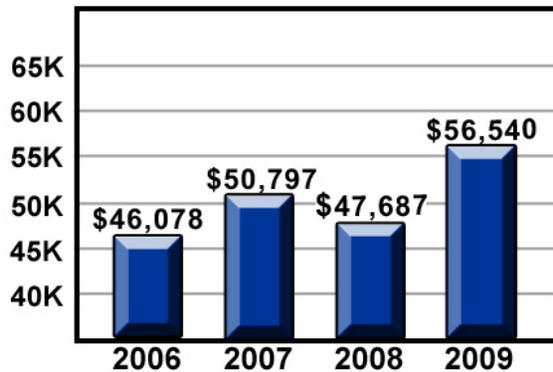


Percentage of total spending by top 25 lobbyists.

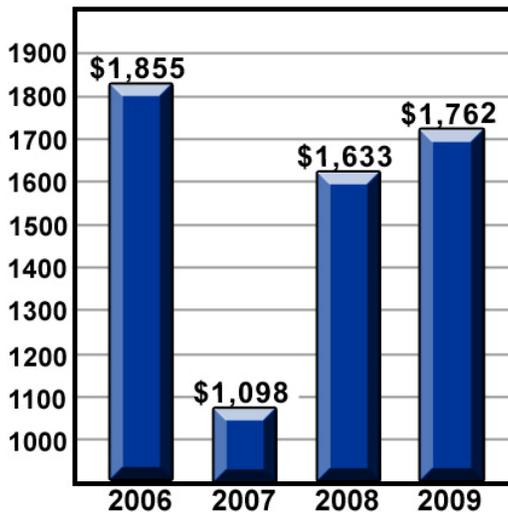


Total Spending by top 25 lobbyists.

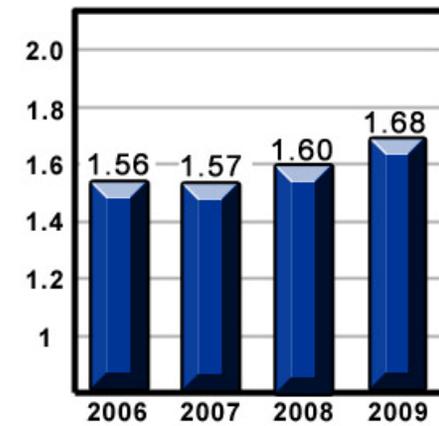
CLIENT AVERAGES



Average spending per client.



Average spending on advertising per client.



Average # of Lobbyists hired per client.



2009

FINANCIAL LISTING OF LOBBYISTS AND PUBLIC
CORPORATIONS BASED UPON REPORTS RECEIVED AS OF
FEBRUARY 26, 2010.