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NEW YORK STATE  
JOINT COMMISSION ON PUBLIC ETHICS

PHONE: (518) 408-3976  
FAX: (518) 408-3975

540 BROADWAY  
ALBANY, NEW YORK 12207  
[www.jcope.ny.gov](http://www.jcope.ny.gov)

November 13, 2015

Donna Lieberman  
Executive Director  
New York Civil Liberties Union  
125 Broad Street, 19<sup>th</sup> Floor  
New York, NY 10004

Dear Ms. Lieberman:

In response to your letter dated October 9, 2015, there is no right to appeal the determination of the Joint Commission on Public Ethics (the "Commission"), denying the July 13, 2015 application of the New York Civil Liberties Union ("NYCLU") for an exemption from the source of funding disclosure requirements under §1-h(c)(4) of the Article One-A of the Legislative Law (the "Lobbying Act") and the Commission's regulations at 19 NYCRR Part 938.4(b).

As set forth in the Lobbying Act, and Part 938.6 of the regulations, an appeal to an independent hearing officer is only available for an application submitted pursuant to Part 938.4(a). This type of exemption is applicable to a particular source or particular sources of funding upon the requisite showing of harm to those specific sources. NYCLU, rather, applied for an exemption under Part 938.4(b) for all of its sources. The exemption for all sources is available to corporations that are qualified as exempt organizations under I.R.C. §501(c)(4) upon the requisite showing that disclosure will create a substantial likelihood of harm to the sources based on the nature of the organization's primary activities. The Lobbying Act does not provide for an appeal for these types of exemptions and Part 938.6 of the regulations expressly states that an entity which applies for an exemption under Part 938.4(b) is not entitled to an appeal.

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Notwithstanding NYCLU's arguments to the contrary, the Commission has determined that NYCLU is not entitled to an appeal to an independent hearing officer in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Monica J. Stamm', with a long horizontal flourish extending to the right.

Monica J. Stamm  
General Counsel

cc: Arthur Eisenberg  
Robert Perry