

New York State Joint Commission on Public Ethics

# Reform N

This provision amends subdivisions 18 and 19 of section 94 of the Executive Law to provide for more public disclosure of commission records by making records available for public inspection and copying pursuant to the Freedom of Information Law and by subjecting the Commission to New York's "Open Meetings Law."

Subdivision 18 of section 94 of the executive law is amended to read as follows:

18. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, and which shall ~~contain the documents identified in subdivision nineteen of this section, other than financial disclosure statements filed by state officers or employees or legislative employees, and~~ **contain** any other records or information which the commission determines to be appropriate.

Paragraphs (a) and (b) of Subdivision 19 of section 94 of the executive law is amended to read as follows:

19. ~~(a) Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:~~

~~\*(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three a of the public officers law except the categories of value or amount, which shall remain confidential, and any other item of information deleted pursuant to paragraph (h) of subdivision nine of this section; \* ***NB Effective until January 1, 2013***~~

~~(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three a of the public officers law except information deleted pursuant to paragraph (h) of subdivision nine of this section; \* ***NB Effective January 1, 2013***~~

~~(2) notices of delinquency sent under subdivision twelve of this section;~~

~~(3) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;~~

~~(4) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy;~~

~~(5) those required to be held or maintained publicly available pursuant to article one A of the legislative law; and~~

~~(6) substantial basis investigation reports issued by the commission pursuant to subdivision fourteen a or fourteen b of this section. With respect to reports concerning members of the legislature or legislative employees or candidates for member of the legislature, the joint commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of paragraph (b) of subdivision nine of section eighty of the legislative law.~~

**(a) Commission records created after the effective date of the chapter of the laws of 2017 amending this paragraph shall be available for public inspection and copying pursuant to the provisions of article six of the public officers law, except:**

- (1) As provided in subdivision nine-a of section ninety-four of the executive law; and
- (2) The commission may also deny access to records or portions thereof that relate to requests from any person or entity, who is subject to the jurisdiction of the commission and the requirements of subdivision sixteen of section ninety-four of the executive law, section one hundred seven of the civil service law or article one-a of the legislative law, or all applicable regulations, for advice and guidance or approval relating to said provisions.

(a-1) Notwithstanding the provisions of article six of the public officers law and paragraph (a) of this subdivision nineteen, the only records of the commission created before the effective date of the chapter of the laws of 2017 amending this paragraph which shall be available for public inspection and copying are:

- \*(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except the categories of value or amount, which shall remain confidential, and any other item of information deleted pursuant to paragraph (h) of subdivision nine of this section;
- (1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except information deleted pursuant to paragraph (h) of subdivision nine of this section;
- (2) notices of delinquency sent under subdivision twelve of this section;
- (3) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;
- (4) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy;
- (5) those required to be held or maintained publicly available pursuant to article one-A of the legislative law; and
- (6) substantial basis investigation reports issued by the commission pursuant to subdivision fourteen-a, fourteen-b, and fourteen-c of this section. With respect to reports concerning members of the legislature or legislative employees or candidates for member of the legislature, the joint commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of paragraph (b) of subdivision nine of section eighty of the legislative law.

(b) ~~Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section, Meetings and proceedings of the commission shall be open to the public, except if expressly provided otherwise by the commission or as is required by article one-A of the legislative law pursuant to article seven of the public officers law.~~ **Notwithstanding the provisions of article seven of the public officers law, commissioners may participate in a meeting or proceeding of the commission, including voting, from a location not open to the general public to conduct the business of the commission, so long as one of the locations from which the meeting or proceeding is being conducted complies with the provisions of article seven of the public officers law. Such participation shall count towards quorum.**