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IN THE MATTER OF TRACY KINN,

New York State Division of Veterans Affairs Counselor.

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**NOTICE OF SUBSTANTIAL BASIS INVESTIGATION**  
**Case No. 14-089**

Pursuant to Executive Law §94(13), the New York State Joint Commission on Public Ethics ("Commission") has voted to commence an investigation to determine whether a substantial basis exists to conclude that you knowingly and intentionally violated New York State Public Officers Law §§73(5)(a), and §§74(3)(d), (f), and (h) by improperly accepting gifts from a veteran whom you assisted through your employment at the New York State Division of Veterans Affairs.

Executive Law §94(14) authorizes the Commission to enforce the Public Officers Law. Please be advised that, pursuant to Executive Law §94(14), an individual or entity who, following a hearing, is found to have knowingly and intentionally violated the provisions of Public Officers Law §73(5) shall be subject to a civil penalty in the amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received in connection with such violation. Depending on the circumstances, the Commission may, in lieu of a civil penalty, refer a Public Officers Law §73(5) violation to the appropriate prosecutor and upon such conviction, such violation is punishable as a class A misdemeanor.

Please be further advised that, pursuant to Executive Law §94(14), an individual or entity who, following a hearing, is found to have knowingly and intentionally violated the provisions of Public Officers Law §74(3)(d), may be subject to a civil penalty for each violation in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result. Please be further advised that an individual or entity who, following a hearing, is found to have knowingly and intentionally violated the provisions of Public Officers Law §§74(3)(f) and/or (h) may not be subject to a civil penalty assessed by the Commission, but may be subject to a fine, suspension or removal from office or employment in the manner provided by law.

You have a right to submit a written response to the Commission within 30 days of this Notice. If after its investigation, the Commission finds a substantial basis to conclude that you have violated the relevant laws, the Commission shall send to you a substantial basis investigation report containing its findings of fact and conclusions of law, which shall be released publicly within forty-five days of its issuance. Upon receipt of such report, you will have a right to be heard, and the pertinent regulations and rules regarding the conduct of adjudicatory proceedings, appeals and due process procedural mechanisms available to you are set forth in 19 NYCRR Part 941 and are available on the Commission's website at [www.jcope.ny.gov](http://www.jcope.ny.gov).

Date: April 8, 2015

By: *Letizia Tagliaferro*  
Letizia Tagliaferro  
Executive Director