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JCOPE RESOLUTION 21-04

By virtue of the authority vested in the Joint Commission on Public Ethics (the “Commission”) under New York Executive Law §94 (16 and 17), the Commission resolves as follows:

WHEREAS, by JCOPE Resolution 21-03 dated November 16, 2021 (“Resolution 21-03”), the Commission revoked the Conditional Approval Letter;¹ and

WHEREAS, no request has been made to the Commission to change or retract Resolution 21-03;

WHEREAS, since the Approval Request Letter, Governor Cuomo has made no further request for approval of outside activity with regard to the Book;

WHEREAS, as a consequence of the revocation of the Conditional Approval Letter, Governor Cuomo lacked legal authority to engage in outside activity and receive compensation with regard to the Book while employed by the State of New York; and

WHEREAS, Governor Cuomo received and retained compensation from the publisher of the Book; and

WHEREAS, in the absence of JCOPE’s approval of his outside activity in connection with the Book, Governor Cuomo is not legally entitled to retain compensation paid to him, in any form, for his outside activities related to the Book; and

WHEREAS, as counsel for the State of New York, the Attorney General of the State of New York (the “Attorney General”) is vested with the legal authority to take the actions specified herein;

NOW THEREFORE, it is

¹ Defined terms herein have the meaning ascribed to them in Resolution 21-03.

RESOLVED, that it is hereby ordered that, by no later than 30 days from the date of this Resolution, Governor Cuomo pay over to the Attorney General of the State of New York (the “Attorney General”) an amount equal to the compensation paid to him for his outside activities related to the Book (the “Book Proceeds”); and it is

FURTHER RESOLVED, that, in the event that Governor Cuomo fails to make timely payment as ordered above, enforcement of such order is hereby referred to the Attorney General; and it is

FURTHER RESOLVED, that the manner of the distribution of the funds to be paid to the Attorney General as ordered above is hereby referred to the Attorney General with the intent that the Attorney General determine the identity of the appropriate recipient(s) of the Book Proceeds under the law, and distribute such funds accordingly.

Approved: Jose L. Nieves
Chair

Richard F. Braun
Terry L. Brown
Colleen C. DiPirro
Sharon Stern Gerstman
C. Randall Hinrichs
Marvin E. Jacob
Gary J. Lavine
James W. McCarthy
David J. McNamara
George H. Weissman
James A. Yates
Members

Dissent: William P. Fisher
Member

Dated: December 14, 2021