

**New York State Senate
Ethics & Internal Governance Committee**

2017 Legislative Session Report



Senator Elaine Phillips, Chair

2017 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
ETHICS & INTERNAL GOVERNANCE COMMITTEE**

Senator Elaine Phillips, Chair

• COMMITTEE MEMBERS •

Senator David Carlucci
Senator Thomas Croci
Senator Andrew Lanza
Senator Diane Savino
Senator David Valesky
Senator Michael Gianaris
Senator Gustavo Rivera
Senator Roxanne Persaud

COMMITTEE MEETINGS

On June 15, 2017 the committee met to review current resolution introduction and adoption process and discuss proposed new guidelines aimed at streamlining and improving the overall resolution process. The Chair presented a new Ethics & Internal Governance Committee Newsletter and asked for feedback and suggestions.

The committee also examined the need to make the final disclosure form required pursuant to public officers law section 73-a more transparent and user-friendly. Lisa Reid, the Executive Director of the Legislative Ethics Commission discussed in-person regional staff ethics training opportunities.

MISCELLANEOUS

The first Ethics Committee newsletter was published June 15, 2017 and sent to all Senator's Albany and District offices. The Committee also published a newsletter in November 2017. The newsletter is intended to provide pertinent and timely information to members and staff. A copy of both newsletters is provided in this report.



STANDING COMMITTEE ON ETHICS AND INTERNAL GOVERNANCE

Senator Elaine Phillips, Chair

June 2017

Dear Colleagues and Staff:

The best government is one that serves its constituents honestly, with integrity and in the most efficient way possible. As Chair of the Senate Standing Committee on Ethics and Internal Governance, I am pleased to bring you this first of a series of occasional newsletters to provide information and guidance on topics that are related to good public service. It includes answers to frequently asked questions and information on who to contact if you need guidance about a specific issue. I hope you find this information helpful.

Elaine Phillips

Senator Elaine Phillips
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Albany, NY 12247
(518) 455-3265

Legislative Ethics Commission
(518) 432-7837/Senate ext 2142

Community/District Events – what you should know...

Hosting events – The Legislative Ethics Commission is available to guide you through coordinating Community events within the parameters of Public Officers Law. We strongly encourage you to call their office for guidance in organizing these events or with drafting solicitation letters.

Is it permissible to solicit donations for hosting community events?

- The event must be an event that is for the benefit of the community
 - Examples: senior health fairs, back to school backpack drives
- Any solicitation must communicate that the donations are for the benefit of the community and not to influence the member
- Must be clear that donations are being provided by the donors (not the member)
- Best practice is to partner with a local not-for-profit who can assist with solicitations and receipt of donations
- Members should not be the designated contact for donations and no cash donations should be accepted in legislative offices
- The LEC recommends providing information/literature on government programs relevant to the subject at the event

Attending events – The LEC has a “widely attended event” calendar posted on Senate online and on their website at www.legethics.com

May we attend district events where food/beverages are being served without violating gift laws?

- You may attend events that meet the “widely attended” criteria (Leg Law 1-c(j))
- The term “widely attended event” for legislators and legislative employees means an event
 - at which at least 25 individuals other than legislative members and staff attend or were, in good faith, invited to attend, and
 - that is related to the attendee’s duties or responsibilities or which allows the member to perform a ceremonial function appropriate to his or her position. (i.e., throwing out the first pitch at a baseball game)
- An event is related to your duties if:
 - more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected;
 - an issue of public interest or concern is addressed as a significant activity at such event or meeting

Gift Restrictions – what you should know...

May I accept a gift from a constituent thanking me for helping them with an issue within the district?

- NO – you may not accept gifts or gratuities for doing your legislative job
- What should I say?
 - Thank you – but under statute we can not accept gifts
- What can they give me?
 - A letter to your supervisor citing a job well done
 - Tokens of appreciation of nominal value, i.e. homemade cookies

Do these gift rules apply even when I am not at work?

- YES – Legislative Law §1-c provides other exceptions including:
 - No gifts from lobbyists or clients of lobbyists
 - i.e. Even if you are on vacation on the Jersey Shore and a lobbyist offers to buy your dinner – JUST SAY NO

Are there any gift exceptions other than “widely attended events”?

- YES – Legislative Law §1-c provides other exceptions including:
 - food or beverage valued at \$15 or less
 - complimentary attendance, including food and beverage, at bona fide charitable or political events
 - promotional items having no substantial resale value such as pens, mugs, calendars, hats and t-shirts which bear an organization’s name, logo or message
 - meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants

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STANDING COMMITTEE ON ETHICS AND INTERNAL GOVERNANCE

— Senator Elaine Phillips, Chair —

November 2017

Dear Senators and Staff:

I am pleased to present the latest newsletter from the Senate Standing Committee on Ethics and Internal Governance.

This information is designed to provide guidance on topics that are related to good public service. If you have any questions or require direction on specific issues, I encourage you to contact the Legislative Ethics Commission.

Please contact my office if you have suggestions for future editions of this newsletter.

Elaine Phillips

Chair, Senate Standing Committee on Ethics
and Internal Guidance

Senator Elaine Phillips

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GIFTS

As we approach the holiday season, questions regarding gifts and holiday events often arise.

Regardless of the time of year, as a legislative member or employee, you must comply with Public Officers Law.

One provision of that law is that you cannot accept a "gift" from a person or organization when it is reasonable to infer that the gift was intended to influence you in the performance of your duties.

Specifically,

No... member of the legislature or legislative employee shall, directly or indirectly:

(a) solicit, accept or receive any gift having more than a nominal value, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his official duties or was intended as a reward for any official action on his or her part. No person shall, directly or indirectly, offer or make any such gift to a statewide elected official, or any state officer or employee, member of the legislature or legislative employee under such circumstances.

A "gift" for the purposes of the Public Officers Law can be any item or service that is, generally, valued at more than nominal value.

Therefore, if somebody offers you a tip, a meal, a trip, or cash in a show of appreciation for the job you have done, it is best to politely decline.

Legislative members and employees who violate the gift ban provisions are subject to fines of up to \$40,000 and the value of the gift.

EXCEPTIONS

There are a number of exceptions to the gift prohibitions that arise more frequently during the holiday season.

A comprehensive list of exceptions can be found in Legislative Law Section 1-c (j); and include the following:

- Complimentary attendance, including food and beverage, at bona fide charitable or political events; or "widely attended" events.
 - There are many charities that hold events around the holidays – please be sure to verify that the event is in fact a "charitable event" by considering the following:
 - Is the event being held for the benefit of a charitable (501(c)(3)) organization?
 - Do the complimentary tickets come from the host of the event?
 - These facts alone do not determine the applicability of the exemption so it is always best to check with the LEC for verification.
 - "Widely attended" is statutorily defined – please check with the LEC to see if an event qualifies as "widely attended."
- Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public.
 - For example, if the YMCA is offering free registration for the New Year to the general public – it is acceptable for legislative members and employees to receive the same "discount."
- Gifts from a family members or persons where a personal relationship exists
 - Holiday gifts from family and friends are acceptable when the primary motivating factor behind the gift is the personal relationship and NOT because you work for the legislature.
 - The personal relationship is not present where an individual gives a gift which is "charged back" to a firm or corporation.
- Food or beverage valued at fifteen dollars or less.
 - A holiday get together where food and beverage is under \$15 per person or everyone paying their own way;
 - Inexpensive food gifts sent to offices, like cookies, wine, fruit etc.
- **Please remember – individual offices may set stricter standards for gifts than outlined by Public Officers Law. Please check with your hiring authority before accepting any items.**

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