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March 25, 2021

New York State Joint Commission on Public Ethics
Commissioners
540 Broadway
Albany, NY 12207

RE: Governor Andrew Cuomo / Public Officers Law Violation

Dear Commissioners:

I write to file a formal complaint against Governor Andrew M. Cuomo regarding what appears to be a very clear, straightforward violation of the public officer's Code of Ethics as set forth in Section 74 of the Public Officers Law. As you know, paragraphs d, f and h of subdivision 3 of Section 74 of the Public Officers Law state:

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.

h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.

It appears that Governor Cuomo clearly violated these provisions, when, according to media reports from the *Times Union* and the *Washington Post*, he provided special, preferential access to state-administered COVID-19 testing to members of his family and other well-connected individuals. The reports also allege that the Governor dispatched a top state doctor and other state health officials to these individuals' homes and penthouse apartments, and then used State Troopers to rush the specimens to Wadsworth Center. At Wadsworth, the specimens were reportedly then pushed to the front of the line and tested immediately.

It is important to note that neither the Governor nor his spokesperson has refuted or denied any aspect of the allegations reported in the press.

It does not take a stretch of the imagination to see a clear connection between Governor Cuomo using his official position as the head of state government and the unwarranted privileges provided to his own family members and close associates. Obviously, while these actions would be egregious during normal times, they are particularly unconscionable because they occurred early on during the pandemic, at a time when testing was in short supply and high demand.

In view of these explosive, deeply troubling revelations, I urge the Commission to call for an immediate meeting in order to formally commence a full and comprehensive investigation into whether the Governor has broken the law and committed an ethics violation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Ort", with a stylized flourish at the end.

Robert G. Ort
NYS Senate Minority Leader

Cc: Majority Leader, Andrea Stewart Cousins