New York
COMMON CAUSE
Holding Power Accountable

November 16, 2015

Via Email

NYS Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

Re: Proposed Advisory Opinion No. 15-0X

Dear Commissioners,

Thank you for giving us the opportunity to weigh with comments on Proposed Advisory Opinion 15-0X which states, that under Section 74 of the Public Officers Law, any elected official who is running for re-election cannot accept campaign contributions if they are subject to active "enforcement" under the official's power or if they are involved in "adverse litigation" with that official. We believe that the proposed Advisory Opinion defines "enforcement" too narrowly and does not include an agency's authority to regulate and oversee entities.

Common Cause/NY therefore agrees with the position set forth in the November 16 letter from Mr. Benton J. Campbell, Chair of the Committee on Government Ethics at the Association of the Bar of the City of New York, that this proposed opinion is too limited in scope. We believe that Section 74 can and should be interpreted to bar contributions from entities which are attempting to influence the language and passage of pending legislation, not just those who face "enforcement" or "adverse litigation."

We concur in the suggestion that any state-wide elected official should be barred from soliciting more than a few thousand dollars per year in aggregate from people or entities who have *active matters* (not just enforcement) before the officials for the duration of that active interest plus one year. We also agree that this restriction on soliciting donations should also be extended to people or entities who are spending substantial time and money to directly lobby electeds and their staff.

Strengthening matters of transparency will go a long way towards strengthening New York State as a whole. Thank You.

Respectfully Submitted,

Susan Lerner

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