



LEGISLATIVE ETHICS COMMISSION STATE OF NEW YORK

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December 14, 2015

Monica Stamm, Esq.
General Counsel
New York State Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

Dear Ms. Stamm:

Thank you for contacting the Legislative Ethics Commission (LEC) regarding JCOPE's proposed advisory opinion updating previous opinion 98-12. It is our understanding that the revised draft states that, unlike Advisory Opinion 98-12, it will apply to the Legislature.

Based upon Section 94 of the Executive Law and Section 80 of the Legislative Law, JCOPE does not have the authority to issue advisory opinions for legislators, legislative staff or candidates for the legislature. Specifically, Executive Law Section 94(16) states, in relevant part:

16. Upon written request from any person who is subject to the jurisdiction of the commission and the requirements of sections seventy-three, seventy-three-a or seventy-four of the public officers law, **other than members of the legislature, candidates for member of the legislature and employees of the legislature**, the commission [JCOPE] shall render written advisory opinions on the requirements of said provisions...

The LEC appreciates JCOPE raising this issue. The Commission intends to review the matter to determine if specific guidance for the Legislature in the form of an Advisory Opinion issued by the LEC is warranted.

Please contact me at your convenience should you wish to discuss this matter further.

Best Regards,

Lisa P. Reid
Executive Director and Counsel