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IN THE MATTER OF ASSEMBLYMEMBER  
VITO LOPEZ

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**NOTICE OF SUBSTANTIAL BASIS INVESTIGATION**  
**Case No. JCOPE-127**

Pursuant to Executive Law §94(13), the New York State Joint Commission on Public Ethics (“Commission”) has voted to commence an investigation to determine whether a substantial basis exists to conclude that you violated §§74(3)(d),(f) and (h) of the New York State Public Officers Law.

The investigation includes but is not limited to allegations that your conduct raises suspicion among the public that you are likely to have engaged in acts that were in violation of your trust as a member of the New York State Legislature. Such conduct includes but is not limited to subjecting certain female employees under your supervision to inappropriate actions, offensive comments, and unwelcome physical contact of a sexual nature. Additionally such conduct includes but is not limited to receiving unwarranted privileges and exemptions in the manner and process by which allegations of sexual harassment and other inappropriate conduct against you were handled, investigated and resolved.

The investigation also includes allegations that you used or attempted to use your official position to secure unwarranted privileges and exemptions for yourself or others, including but not limited to, the misappropriation to yourself or others of the property, services or other resources of the state. Such allegations also include but are not limited to, using your official position to compel or attempt to compel others to comply with inappropriate demands and requests, requiring legislative employees to travel with you when there was no legitimate governmental purpose and using your official position to improperly influence the manner and process by which allegations of sexual harassment and other inappropriate conduct against you were handled, investigated and resolved.

Executive Law §94(14) authorizes the Commission to enforce the Public Officers Law. Please be advised that, pursuant to Executive Law §94(14), an individual or entity who, following a hearing conducted by the authorized entity is found to have knowingly and intentionally violated the provisions of Public Officers Law §74(3)(d) shall be subject to a civil penalty for each violation in an

amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation.

Please be further advised that any individual or entity who, following a hearing, is found to have knowingly and intentionally violated the provisions of Public Officers Law §§74(3)(f) or (h) may not be subject to a civil penalty but may be subject to a fine, suspension or removal from office or employment in the manner provided by law.

You have a right to submit a written response to the Commission within 30 days of this Notice. If after its investigation, the Commission finds a substantial basis to conclude that you have violated the relevant laws, the Commission shall issue a substantial basis investigation report containing its findings of fact and conclusions of law, which shall be presented to the New York State Legislative Ethics Commission ("LEC") pursuant to Executive Law §14-a and released publicly pursuant to Legislative Law § 80(9)(b). The pertinent regulations and rules of the Commission regarding the conduct of adjudicatory proceedings, appeals and due process procedural mechanisms available are set forth in 19 NYCRR Part 941 and are available on the Commission's website at [www.jcope.ny.gov](http://www.jcope.ny.gov). LEC's rules regarding the procedural mechanisms available to you are set forth in [Chapter 1 of the Laws of 2010](#) and at [www.legethics.state.ny.us](http://www.legethics.state.ny.us). Additionally, LEC would also provide you with written notice of receipt of a substantial basis investigation report which would include a copy of their rules and procedures.

Date: September 21, 2012

By:  \_\_\_\_\_  
Ellen N. Biben  
Executive Director