

CODE OF ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES

The following materials are assembled for purposes of codification of the “**NYHOMES** Code of Ethical Conduct for Officers and Employees,” consisting of: 1) Documents that directly prescribe standards of conduct; 2) Documents reflecting practices that have existed to date (and that the Members and Directors have directed shall continue); and 3) §§73, 73-a and 74 of the Public Officers Law, which legally proscribe conduct of officers and employees of the **NYHOMES** agencies (and which the Members and Directors have mandated that employees follow as a matter of Agency policy).

1. **NYHOMES** Employee Code of Conduct
2. Sexual Harassment Policy.
3. Prohibition of Illegal Discrimination in the Workplace Policy.
4. Agency Policy: Drug and Alcohol Free Workplace.
5. Information Systems Policies.
6. Memo regarding required approval of “Outside Activities of Policy Makers,” with forms.
7. Memo respecting “Ethics Act: Receipt of Honoraria” to which all employees must respond annually in connection with reporting of Honoraria under State Ethics Law.
8. Prescription for compliance with the New York State Lobbying Act.
9. “Campaign Activities” memorandum, distributed annually to employees, with respect to participation in the political campaign process.
10. Memorandum regarding “Avoidance of Recommendations with respect to professionals doing business with the Agency.”
11. Sections 73, 73-a and 74 of the Public Officers Law, along with a restatement of §74 as it applies to **NYHOMES** employees

1. NYHOMES Employee Code of Conduct

NYHOMES
Employee Code of Conduct

It is the responsibility of each employee to maintain a professional work environment at all times when present at any of the Agency's facilities or otherwise engaged in the conduct of the Agency's business. Employees are expected to consistently exercise the highest level of professionalism and to exhibit the highest ethical standards. All employees are expected, at a minimum, to consistently perform at a satisfactory level in their position.

Employees are required to treat all other employees with dignity and respect and always to conduct themselves in a courteous and professional manner at all times. Employees are never to harass or verbally abuse other employees or those with whom the Agency does business including, without limitation, vendors, service representatives and the general public. Employees are required to adhere to all policies adopted by the Agency and carry out the reasonable directives of their supervisors.

The Agency maintains a professional work environment. Employees must dress in a manner appropriate for the conduct of the Agency's business. Outlandish or overly casual attire is prohibited. Smoking is prohibited in all enclosed areas of the Agency. Personal use of communication and information systems must be minimized.

Employees are prohibited from taping work-related conversations, whether such conversations are by telephone, in person or by any medium without the written permission of the Agency's Counsel.

Certain types of conduct may result in disciplinary action against the employee up to and including termination from employment. This type of conduct includes, but is not limited to, the following:

1. Insubordination defined as refusing to follow the reasonable direction of the supervisor, defiance of or disrespect for the authority of a supervisor or other representative of management, or refusal or failure to follow Agency rules, procedures or regulations;
2. Poor or unsatisfactory work performance including, but not limited to, lack of productivity or poor quality work;
3. Fighting, instigating a fight, threatening violence, disruptive behavior, harassment or verbally abusing co-workers, supervisors, managers or those with whom the Agency does business;
4. Use of or possession of illegal drugs, alcohol or other controlled substances on Agency property or being under the influence of same at work;

5. Possession of firearms or other weapons on Agency property;
6. Abuse or misuse of Agency property or equipment including, but not limited to, the Agency's information or communication systems;
7. Theft or attempted theft of Agency property, information (proprietary or otherwise) or time or the property of another employee or removing or attempting to remove Agency property or information from the premises without proper authorization;
8. Falsification of pre-employment documents or any other misleading information on documents or records including but not limited to timesheets;
9. Providing false information in an official Agency investigation or inquiry or willfully failing to cooperate with such investigation;
10. Any actions that cause or contribute to an unsafe condition or health hazard or any lack of due and proper care that may affect the employee, fellow employees or others;
11. Violations of any laws, rules, regulations, rulings or alike governing the conduct of public employees and/or public officers;
12. Non-compliance with all conflict-of-interest and ethics laws, rules, regulations, rulings or alike applicable to Agency employees including, but not limited to, the appearance of impropriety;
13. Any illegal or unethical behavior, whether in the course of the employee's employment or not, that creates potential liability to the Agency by continuing to employ the employee or which projects an unfavorable image of the Agency to the public;
14. Unauthorized use of the Agency's names, stationeries and/or logos for any purpose outside its normal course of business;
15. Unauthorized use of an employee's Agency title, position or stationery for the purpose of or in furtherance of personal business or beliefs.
16. Conviction of a crime that creates potential liability to the Agency if the Agency continues to employ the convicted employee or which projects an unfavorable image of the Agency to the public;
17. Unauthorized dissemination of information in violation of Agency policy and procedures including, without limitation, those pertaining to outside contacts;
18. All forms of illegal discrimination are prohibited. Sexual Harassment and/or other illegal discriminatory acts including, but not limited to, creating or

contributing to a hostile work environment. All employees have the right to a work environment free from illegal intimidation and harassment. Sexual harassment of Agency employees or others with whom the Agencies does business, or engaging in acts of illegal discrimination is prohibited. The Agency prohibits any form of illegal physical, verbal or visual harassment. Employees who are found to have sexually harassed others; conducted themselves in an sexually improper manner; engaged in any form of illegal discrimination; or otherwise violated the Agency's policies and procedures prohibiting sexual harassment and discrimination in the workplace will be subject to strict discipline, up to and including discharge from employment;

19. Unauthorized absence from work;

20. Excessive absenteeism;

21. Excessive tardiness.

2. Sexual Harassment Policy

SEXUAL HARASSMENT POLICY

It is the policy of the New York State Housing Finance Agency, its subsidiary, the Affordable Housing Corporation and all of its affiliated agencies (collectively the "Agency") to provide its employees with a work environment that is free from all forms of sexual harassment in the workplace. Conduct constituting sexual harassment is illegal and has potentially serious social and emotional impact on victims of such conduct.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile or offensive work environment.

It is the responsibility of all Agency employees to strictly adhere to and enforce the Agency's prohibition of sexual harassment in the workplace. It is also the responsibility of supervisory personnel to be aware of and sensitive to conditions, situations or circumstances, which, left unresolved, could potentially rise to the level of sexual harassment in the workplace, and to take appropriate remedial action to appropriately address these conditions as soon as possible.

The Agency will not tolerate any form of sexual harassment, and the Agency's prohibition of sexual harassment will be strictly enforced. Sexual harassment is a form of serious employee misconduct, and appropriate disciplinary action, potentially including dismissal from employment, will be taken against individuals determined to have engaged in this type of conduct. In addition, appropriate administrative or disciplinary action may be taken against supervisory personnel who fail to timely report such conduct to the Agency after receipt of a complaint from one of their employees.

Agency employees who believe that they or another Agency employee are being subjected to any form of sexual harassment should immediately report the incident to the Agency. Employees who believe that incidents of sexual harassment may be occurring can report such incidents to the Agency, free from retaliation, by informing their immediate supervisor, the Personnel Director, the Senior Personnel Administrator, or any member of Agency management with the title of Assistant Vice President or higher. If the complaint concerns an employee's supervisor, the Agency may be notified via the Personnel Director or any member of management outside the employee's department. Allegations of sexual harassment may be made by an employee either orally or in writing. Supervisory or managerial personnel receiving a complaint of sexual harassment, whether orally or in writing, should report the claim to the Agency's Personnel Director as soon as possible.

Any Agency employee who has been subjected to sexual harassment in the workplace has rights of redress at the Agency. Any Agency employees who believe that they have been subject to such harassment are strongly encouraged to report the facts and circumstances of the sexual harassment as soon as possible after its occurrence. The Agency takes all complaints of sexual harassment very seriously and will promptly and fully investigate all complaints of sexual

harassment which are brought to its attention. The investigation may include interviewing the parties and any potential witnesses and reviewing documentary or physical evidence. Employees desiring to provide information may be requested to provide a written statement, but will not be required to do so. Any employee possessing information about sexual harassment in the workplace, whether directed at the employee herself or himself, or directed at a co-worker, is encouraged to make any such information known to the Agency. Employees who do not wish to participate in an interview will not be required to do so. Each investigation, as well as any interviews required as part of an investigation, will be conducted in a manner that ensures as much confidentiality as possible. No employee complaining of sexual harassment or providing information concerning incidents of sexual harassment will be the subject of any adverse personnel action or retaliation. At the request of the employee furnishing information, female or male interviewers, as the case may be, can be arranged by the Agency.

The Agency will take all appropriate action to prevent sexual harassment from occurring in the workplace and will take all necessary steps to ensure that any established occurrence of sexual harassment has permanently ceased and will not reoccur in the future. These may include a number of remedial actions including, but not limited to, appropriate administrative action or pursuing disciplinary action against any employee engaging in conduct violating the Agency's prohibition on sexual harassment in the workplace.

In addition to the employee's right to file a complaint of sexual harassment with the Agency under this procedure, employees also have the right, separate and apart from the Agency's policies and procedures concerning sexual harassment claims, to file claims of sexual harassment under Title VII of the Civil Rights Act. Employees seeking to file a claim of sexual harassment under Title VII may contact the New York State Division of Human Rights ("NYSDHR"), the local office of the federal Equal Employment Opportunity Commission ("EEOC"), or a private attorney for guidance concerning his or her rights under Title VII.

Employees having any questions concerning the Agency's strict prohibition against sexual harassment in the workplace or the procedures described in this policy are encouraged to direct any such questions to the Personnel Director or the Equal Opportunity Officer.

3. Prohibition of Illegal Discrimination in the Workplace Policy

PROHIBITION ON ILLEGAL DISCRIMINATION IN THE WORKPLACE

It is the policy of the New York State Housing Finance Agency, the Affordable Housing Corporation and its respective subsidiaries and affiliates (collectively the "Agency") to provide their respective employees with a work environment that is free from all forms of illegal discrimination in the workplace. Illegal discrimination is a violation of federal, state and local law and has potentially serious social and emotional impact on victims of such conduct.

It is a violation of law and this policy to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions or privileges of employment because of the individual's actual or perceived age, race, creed, color, national origin, religion, gender, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status or alienage or citizen status.

It is also a violation of law and this policy for any employee employed by the Agency to engage in conduct that requires employees to work in a discriminatorily hostile or abusive environment. A hostile work environment is one in which the workplace is permeated with discriminatory intimidation, ridicule and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment.

It is the responsibility of all Agency employees to strictly adhere to and enforce the Agency's prohibition on illegal discrimination in the workplace. It is also the responsibility of supervisory personnel to be aware of and sensitive to conditions, situations or circumstances, which, if left unresolved, could potentially rise to the level of illegal discrimination in the workplace, and to take appropriate remedial action to appropriately address these conditions as soon as possible.

The Agency will not tolerate any form of illegal discrimination, and the Agency's prohibition on illegal discrimination will be strictly enforced. Engaging in illegal discrimination is a form of serious employee misconduct, and appropriate disciplinary action, potentially including dismissal from employment, will be taken against individuals determined to have engaged in this type of conduct. In addition, appropriate administrative or disciplinary action may be taken against supervisory personnel who fail to timely report such conduct to the Agency after receipt of a complaint from one of their employees.

Employees who believe that they or another employee are being subjected to any form of illegal discrimination should immediately report the incident to the Agency. Employees who believe that illegal discrimination may be occurring can report such

incidents to the Agency, free from retaliation or reprisal, by informing their immediate supervisor, the Director of Human Resources, the Deputy Director of Human Resources or any member of Agency management with the title of Assistant Vice President or higher. If the complaint concerns an employee's supervisor, the Agency may be notified via the Director of Human Resources or any member of management with the title of Assistant Vice President or higher outside the employee's department. Allegations of discrimination may be made by an employee either orally or in writing. Supervisory or managerial personnel receiving a complaint of illegal harassment, whether orally or in writing, should report the claim to the Agency's Director of Human Resources as soon as possible.

Any Agency employee who has been subjected to illegal discrimination in the workplace has rights of redress at the Agency. Any Agency employees who believe that they have been subject to illegal discrimination are strongly encouraged to report the facts and circumstances of the illegal discrimination as soon as possible after its occurrence. The Agency takes all complaints of illegal discrimination very seriously and will promptly and fully investigate all complaints of illegal discrimination which are brought to its attention. The investigation may include interviewing the parties and any potential witnesses and reviewing documentary or physical evidence. Employees desiring to provide information may be requested to provide a written statement, but will not be required to do so. Any employee possessing information about illegal discrimination in the workplace, whether directed at the employee herself or himself, or directed at a co-worker, is encouraged to make any such information known to the Agency. Employees who do not wish to participate in an interview will not be required to do so. No employee complaining of illegal discrimination or providing information concerning incidents of illegal discrimination will be the subject of any adverse personnel action or retaliation.

In addition to the employee's right to file a complaint of illegal discrimination with the Agency under this procedure, Agency employees also have the right, separate and apart from the Agency's policies and procedures concerning illegal discrimination claims, to file claims of illegal discrimination under federal, state and/or local law. Employees seeking to file a claim of illegal discrimination under these laws may contact the New York State Division of Human Rights ("NYSDHR"), the local office of the federal Equal Employment Opportunity Commission ("EEOC"), or a private attorney for guidance concerning their rights.

The Agency will take all appropriate action to prevent illegal discrimination from occurring in the workplace and will take all necessary steps to ensure that any established occurrence of illegal discrimination has permanently ceased and will not reoccur in the future. These may include a number of remedial actions including, but not limited to, appropriate administrative action or pursuing disciplinary action against any employee engaging in conduct violating the Agency's prohibition on illegal discrimination in the workplace.

Employees having any questions concerning the Agency's prohibition against illegal discrimination in the workplace or the procedures described in this policy and procedure are encouraged to direct any such questions to the Director of Human Resources or the Equal Opportunity Officer.

This policy and procedure shall apply to all employees, part-time employees, seasonal employees, temporary employees, officers, Members and interns of the Agency and the term "employee", for the purposes of this policy and procedures, shall include all of the foregoing positions.

4. Agency Policy: Drug and Alcohol Free Workplace

INTER-OFFICE MEMORANDUM

TO: All Staff
FROM: Michael Dalley 
SUBJECT: Agency Policy: A Drug and Alcohol Free Work Place
DATE: January 6, 2005

The Federal Drug Work Place Act of 1988 mandates that recipients of Federal Funds provide a Drug Free Work Place. In addition, current State policy prohibits the use of or impairment from alcohol while on the job. The Agencies will, as part of a Drug-Alcohol Awareness Program, provide employees upon request with information pertaining to Drug & Alcohol related problems.

It is the policy of the New York State Housing Finance Agency and the State of New York Mortgage Agency that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is strictly prohibited in Agency work places. This prohibition includes operating Agency vehicles under the influence of alcohol or a controlled substance, while either on or off duty. Possession or consumption of alcohol is also prohibited in Agency work places except when in connection with appropriately authorized scheduled activities. Actions will be taken against employees for violation of these prohibitions.

Employees of the Housing Finance Agency and the State of New York Mortgage Agency will be subject to criminal, civil, and disciplinary penalties for the use, distribution, sale, attempt to sell, possession or purchase of a controlled substance while at the work place or while performing work related duties.

An employee who is judged, based upon a reasonable suspicion, to be unable to perform his or her duties as a result of a disability, which may be caused by alcohol or a controlled substance, may be required to undergo medical examinations to ascertain the cause of the disability.

In accordance with the Federal Drug Law, employees, **as a condition of their employment**, are required to abide by the terms of this policy and to notify the Human Resources Director of any criminal drug statute conviction for a violation occurring in the work place or at a work site, no later than five days after such conviction. Under Federal Law, this requirement of notification is a condition of the Agencies eligibility to receive substantial amounts of Federal assistance in the form of grants. The notification procedure relates only to conviction not arrests. Employees should be aware that Federal Law requires the Agencies to report such convictions to the Federal Agency providing funds within ten (10) days of receiving notice of such convictions.

Within 30 calendar days of receiving such notice, the Agency must take appropriate personnel action against such an employee, up to and including termination; or by requiring such employee

to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate bodies.

This policy reflects a combination of both State and Federal requirements applicable to the Agencies.

5. Information Systems Policies



INFORMATION SYSTEMS POLICY

September 2008

I. INTRODUCTION

The Information Systems of the **New York State Housing Finance Agency, the New York State Affordable Housing Corporation and the State of New York Mortgage Agency (hereafter "Agencies/Agency")** are made available to employees as a tool in conducting the Agencies' business. The standards described below apply to all employees of the Agencies. They are intended to illustrate the range of acceptable and unacceptable uses of the Agencies' Information Systems and are not necessarily exhaustive. Questions about specific uses not enumerated in this policy should be directed to your supervisor and/or the Information Technology Department. Failure to adhere to the Information System Policy can result in suspension from use of the Agencies' information systems and/or disciplinary action up to, and including, discharge from employment.

This Policy may be revised and supplemented on an as needed basis as determined by the Agencies. This Policy replaces and supersedes the Agencies' prior policy, "Information Systems Policies," dated August 2000, as well as policies set forth by the memoranda, "Use of Agencies' E-Mail System," dated November 9, 1998, and "Electronic Mail Policy," distributed October 11, 1996.

I. DEFINITIONS

Information Systems include, but are not necessarily limited to:

- **Hardware** (e.g., PCs, servers, laptop computers, printers, scanning equipment, fax machines, photocopiers, telephones, cell phones, and BlackBerries)
- **Software** (e.g., Windows, Word, WordPerfect, Excel, GroupWise, FoxPro systems, vendor-supplied systems)
- **Data** (e.g., word processing files, spreadsheet files, database files, graphical images, audio files, video files, emails, faxes and voicemails)

- **Storage media** (e.g., disk drives, flash drives, CDs, DVDs, diskettes and tapes)
- **Information Services** (e.g., the Internet, LexisNexis, ADP, Bloomberg, and online banking services accessed via the Agencies' hardware).

III. BUSINESS AND PERSONAL USE OF THE AGENCIES' INFORMATION SYSTEMS

The Agencies' Information Systems are intended to be used by employees to conduct the Agencies' business. Non-business use of the Information Systems is only permitted as specifically provided in these Policies. **The Agencies' Information Systems are not private and are subject to monitoring by authorized Agency personnel and agents.**

Whenever using the Agencies' Information Systems for business or permitted personal purposes, whether logged in from the office or a remote location, all employees must consistently exercise sound judgment in the use of the Agencies' Information Systems. The Agencies' Information Systems must be used in a responsible, professional, ethical, lawful, appropriate and secure manner.

Employee use of the Agencies' Information Systems, whether for business or personal purposes, is conditional and a privilege, not a right. The Agencies expressly reserve the right, in their sole discretion, to determine employee eligibility to use the Agencies' Information Systems as well as the nature and extent of utilization, and may revoke or modify employee usage privileges at any time.

Personal Use

Personal use of the Agencies' Information Systems is any use other than use for the Agencies' business. Incidental personal use of the Agencies' Information Systems is permitted on a limited basis. Reimbursement is required for such things as personal long-distance telephone calls and fax usage. **The Agencies may monitor the Agencies' Information Systems, including telephone usage, for both excessive personal usage and compliance with these Policies.** Personal use can be revoked at will at any time by the Agencies.

Principles of Acceptable Use:

- The Agencies' Information Systems may be used for incidental and necessary personal purposes, such as sending personal email messages and making telephone calls, provided that such use is in a limited amount, does not conflict with the proper exercise of the employee's duties, and does not interfere with the business use and needs of the Agencies.
- Incidental personal data of a very limited quantity may be stored on the Agencies'

Information Systems equipment. Personal data which may not be stored on the Agencies' equipment includes, but is not limited to, audio files (e.g., mp3 and wma files), video files (e.g., wmv and avi files), large sets of multiple photographs, and large graphical image files (e.g., jpg and gif files).

Unacceptable Personal Use includes but is not limited to:

- Utilization of the Agencies' Information Systems for any unlawful or improper purpose, or a purpose prohibited by Agencies' rules, regulations, policies and procedures , e.g.:
 - Any improper, illegal, fraudulent or malicious conduct through use of the Agencies' Information Systems, or use of Agencies' Information Systems in the commission of a crime;
 - Sending, receiving, storing, browsing or viewing material that is improper, illegal, discriminatory, harassing, defamatory, obscene or in any manner inappropriate or inconsistent with the professional standards of the Agencies;
- Use of the Agencies' Information Systems that interferes with productivity, conflicts with the Agencies' mission, or constitutes a nuisance or distraction to the orderly conduct of the Agencies' business;
- Use of the Agencies' Information Systems that consumes significant system resources or storage capacity; involves large file transfers; or otherwise materially depletes system resources, e.g., downloading or transferring mp3 files, video files, large sets of multiple photographs, and large graphical image files (e.g., jpg and gif files);
- Use of the Agencies' Information Systems for dissemination or storage of commercial or personal advertisements, blogging, solicitations, promotions, destructive programs (viruses or self-replicating codes), political material, or any other unauthorized use, including the unauthorized dissemination of any of the Agencies' information including but not limited to, trade secrets, confidential or proprietary material, e-mail addresses, and staff lists.

III. COMMUNICATIONS

Employees are reminded that communications transmitted electronically (e.g., by email, instant messaging, telephone, fax or the Internet) are also covered by all other Agencies' policies and procedures that apply to the content of communications in general. Communications and transmissions, the content of which violate these other policies and procedures, constitute improper use of the Agencies' Information Systems.

Unacceptable Communication includes but is not limited to:

- Utilizing the Agencies' Information Systems in any way that violates the Agencies' policies and procedures governing external communications, including but not limited to, sexual harassment and anti-discrimination policies, Code of Conduct, external communications procedures, prohibitions on political use, and unauthorized use of the Agencies' name;
- Utilizing the Agencies' Information Systems to defame the Agencies;
- Abusing or harassing another employee through the use of the Agencies' Information Systems;
- Sending bulk emails, faxes, voice mails or other electronic communications that are not authorized by the Department Head;
- Utilizing the Agencies' Information Systems to represent the Agencies in any manner without the written approval of the Agencies' Communications Director.

Email

Email is intended to be used to conduct Agency business. Limited personal use of the Agencies' email is permitted as provided in Section II of this document, "**BUSINESS AND PERSONAL USE OF THE AGENCIES' INFORMATION SYSTEMS.**"

Email messages are **not** private. Email system administrators will not routinely monitor individual staff member's email and will take reasonable precautions to protect the privacy of email. However, program managers and technical staff may access an employee's email to transact legitimate Agency business (e.g., the need to obtain Agency information when an employee is absent); diagnose and resolve technical problems within the Agencies' email system; investigate possible misuse of email or other misconduct; or in conjunction with another approved investigation. Email messages sent or received in conjunction with Agency business may also be releasable to the public under the Freedom of Information Law and may be subject to discovery proceedings in legal actions.

All email users should act in a courteous manner and follow accepted standards of etiquette; protect others' privacy and confidentiality; consider Agency policies and procedures before sending, filing, or destroying email messages; and remove personal messages and transient records in a timely manner.

There are times when there is information of a personal nature which generally affects a large number of employees and for which it may be appropriate to communicate to the Agency at large, e.g., announcements of births, deaths, marriages, or the appearance of an Agency employee in a news event. Such information may be distributed to the entire

Agency via email only after the announcement is submitted to and approved by the Human Resources Director or his designee.

Email may also occasionally be used for lost-and-found purposes. To send a message for such a purpose, the employee should contact the Facilities and Administrative Services Unit which administers the Agencies' Lost-and-Found.

Unacceptable Use of Email (in addition to the prohibitions relating to "Personal Use" and "Communications") includes but is not limited to:

- Use of email for illegal, disruptive, unethical or unprofessional activities or for personal gain or for any purpose that would jeopardize the legitimate interests of the State or conflict with the mission of the Agencies;
- Sending, forwarding or saving emails that contain sexually graphic, lewd, lascivious or pornographic information; or which promote hatred, violence or discrimination;
- Sending or forwarding emails to solicit funds or support for any political or religious purpose;
- Sending or forwarding "mass emails" to groups of recipients for any political, religious or other non-Agency purpose;
- Sending or forwarding "chain emails" (i.e., personal emails sent to multiple recipients with instructions to forward to additional recipients) for any purpose whatsoever;
- Accessing another user's email without his or her permission, except as provided above in furtherance of Agency business.

Email Management and Retention Policy

Emails and their attachments created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements under the appropriate statutes and specific program requirements.

- Examples of messages sent by email that typically are **records** include policies and directives; correspondence or memoranda related to official business; work schedules and assignments; agendas and minutes of meetings; drafts of documents that are circulated for comment or approval; any document that initiates, authorizes or completes a business transaction; and final reports or recommendations.
- Examples of messages that **typically do not constitute records** are: Informal

messages and announcements; copies or extracts of documents distributed for convenience or reference; and announcements of social events.

Records communicated using email need to be identified, managed, protected and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed and accessible in an existing filing system outside the email system in accordance with the department's standard practice (e.g., a department standard might be to save all board-related documents in a shared network directory under a standardized name).

Agency Senior Management will ensure that policies are implemented by the departments relating to electronic record retention. Department managers will develop and/or publicize record-keeping practices in their area of responsibility, including the routing, format, and filing of records communicated via email. IT network administrators are responsible for email security, backup, and changes to the overall network email system.

IV. INTERNET USE

The Internet is intended to be used to conduct Agency business. Internet usage is no different from any other work functions and is subject to all other Agencies' rules, regulations, policies and procedures governing employee conduct. Limited personal accessing of the Internet is permitted as provided in Section II of this document, **"BUSINESS AND PERSONAL USE OF THE AGENCIES' INFORMATION SYSTEMS."**

Internet usage is not private. **The Agencies routinely monitor Internet use for compliance with this Policy.**

Information sent or received over the Internet is neither confidential nor secure. Employees must be aware that there are a variety of ways an Internet communication can be disclosed to people other than the intended recipient, and employees should take appropriate measures to use the Internet in a responsible and secure manner. Users are also cautioned that many Internet pages include offensive, sexually explicit, and other inappropriate material. Employees accessing the Internet do so at their own risk and may be subject to discipline up to and including termination for accessing improper or inappropriate Internet material.

Due to limits on bandwidth needed for Agency business, accessing streaming media (audio or video) or downloading any audio or video files from the Internet is permitted only for Agency-related business.

Unacceptable Use of the Internet (in addition to the prohibitions relating to “Personal Use” and “Communications”) includes:

- Accessing inappropriate websites such as sexually graphic, lewd, lascivious or pornographic sites; sites which promote hatred, violence or discrimination; social networking or dating sites; or any other site that is inconsistent with proper and professional employee conduct at work;
- Utilizing Agencies’ Information Systems for the purpose of engaging in business other than the Agencies’ business. This includes, but is not limited to, securities trading, and other activity for personal profit;
- Using Instant Messaging (“IM”) systems for any purpose;
- Accessing streaming media (audio or video), or downloading any audio or video files for any purpose other than Agency-related business.
- Maintaining a personal blog.

V. SYSTEM CARE AND SECURITY

A. Protection and Care of Equipment

The Agencies require that all employees take reasonable precautions to keep food and drink away from computer equipment; use care in handling portable storage media and equipment; and take reasonable measures to keep equipment clean and dust free.

B. Portable Equipment

Portable computer equipment (e.g., laptop computers, cell phones, BlackBerries and two-way radios) may be issued to an employee on a short- or long-term basis to assist the employee in conducting Agency business. Once issued, portable equipment is the sole responsibility of the employee until returned to the custody of the Agencies. An employee issued portable equipment may be held liable for the cost of repair or replacement if damaged or lost due to the employee’s negligence. To avoid such liability, the employee must ensure that the equipment and storage media (e.g., CD’s and diskettes) are properly secured and free from risk of damage, and that only authorized personnel have access to them.

C. Remote Access

Remote access to the Agencies’ voicemail and email system is available to all employees. Remote access to other of the Agencies’ Information Systems is available only to employees having the express written permission of the Department Head and the Chief Information Officer. Unauthorized accessing of the Agencies’ Information Systems

through communication lines, the Internet, or otherwise is expressly prohibited.

D. Software

1. Agencies' Oversight

Only software purchased or otherwise obtained by the Agencies is to be installed on the Agencies' equipment, except as otherwise provided in these Policies or authorized in writing by the employee's Department Head and the Chief Information Officer. This includes, but is not limited to, personal software, business software and games. In the event authorization is obtained for software installation on Agencies' equipment, a member of the IT Unit must complete the installation. Any software installed on the Agencies' equipment in violation of these Policies may be removed by the Agencies without notice.

Employees are prohibited from copying Agencies-developed or licensed software from one computer to another, or removing such software from the Agencies, without the prior written authorization of the Chief Information Officer.

Any software developed by an Agency employee through the use of the Agencies' Information Systems is the exclusive property of the Agencies and is not to be sold or given to any person or organization without the prior written authorization of the Agencies' Chief Operating Officer.

2. Licensing/Copyright Protection

The Agency's use or purchase/acquisition of hardware and software is conditioned on acceptance and agreement of licensing agreements and provisions of copyright laws. All employee usage of the Agencies' Information Systems shall be in strict accordance with applicable licensing agreements and copyright protections.

E. Agencies' Data

Any and all data stored on or transmitted through the Agencies' Information Systems is the exclusive property of the Agencies and is not to be sold or given to any person or organization without the prior authorization of the Department Head. Except as otherwise determined by the Chief Information Officer, all data owned by the Agencies or produced or generated by an employee on Agencies' equipment shall be stored on centralized file servers. No such data is permitted to reside exclusively on the user's PC or individual data storage media without prior authorization from the Chief Information Officer. Upon separation from Agencies' service or transfer to another assignment within the Agencies, employees shall not move or transfer any of the Agencies' data without the authorization of the Department Head and the Chief Information Officer.

F. User IDs and Passwords

The Agencies' Information Systems require that each user have one or more User ID, which are generally associated with a password. User IDs are required to access the Agencies' overall computer network as well as individual components on the network. The misuse of a User ID may constitute forgery, computer trespass, and misrepresentation.

Employees are responsible for maintaining the security and secrecy of their individual passwords. The Agencies' computer network will require that each user change his or her sign-on password every 90 days. Other specialized passwords must also be changed on a periodic basis. All passwords should be at least eight positions in length and consist of a combination of alphabetic and numeric characters. Passwords should not contain the User ID within them or any other information that could easily identify the user (e.g., the user's name, date of birth, address information, spouse's or children's names, and the Agencies' names). The IT Unit will notify users when certain specialized passwords must be changed. Failure to cooperate fully with IT in changing the password may result in denial of access. If the user needs assistance in changing passwords, setting up screen savers, or any other information security matter, the user should call the IT help desk at extension 767.

Occasionally, due to an oversight, a user may have access to a system or directory for which the user is not authorized. When this occurs, it is the user's responsibility to inform IT management immediately so that corrective action may be taken.

There are additional precautions that each user must take in order to secure access to his or her PC. These precautions include:

- Using a password protected screen saver on the PC at all times. The screen saver should be set to activate after no longer than 15 minutes.
- Signing off all application systems and shutting down the PC each night when leaving the office. Each user must also sign off from all systems and log out of the network when the computer is unattended or not going to be used for an extended period of time during the day.
- Maintaining the secrecy of passwords. Passwords should never be stored in a computer file on the Agencies' network or on a PC's local disk drive, nor should passwords be written down and stored in a location that is accessible to others.

Employee misconduct or negligence in maintaining the security and secrecy of passwords may result in disciplinary action up to and including termination from employment.

Improper conduct as to Computer Care and Security includes but is not limited to:

- Attempting to remove, modify, tamper with, damage, sabotage, vandalize or disrupt in any way the operation of the Agencies' Information Systems including but not limited to, computer equipment, data communications equipment or data communications lines;
- Misuse of a User ID or allowing an unauthorized individual access to a User ID and/or password;
- Obtaining, providing or using another employee's User ID and/or password without the written authorization of the Chief Information Officer;
- Sharing a User ID and/or password with another staff member unless authorized in advance, in writing, by the Chief Information Officer;
- Failure to maintain the security and secrecy of one's password;
- Failure to cooperate fully with IT requests to change a password or to comply with IT staff's instructions regarding the required characteristics of the user's password (e.g., password and user ID should not be the same);
- Attempting without proper authorization to access, remove, copy or modify data files, databases, directories or software programs;
- Attempting to test, circumvent, or defeat security, firewalls, auditing systems, or protective features of the Agencies' Information Systems or those of any other organization;
- Knowingly accepting or using software, including but not limited to unlicensed software, or data which has been obtained by illegal or improper means;
- Unauthorized copying of software owned by or licensed to the Agencies;
- Installing software of any kind on the Agencies' computer network without the express written authorization of the Department Head and the Chief Information Officer;
- Modifying or attempting to modify software developed by or licensed to the Agencies without prior written authorization of the Chief Information Officer;
- Misusing, or using without proper authorization from the Department Head, paid information services such as LexisNexis and other paid information services;
- Removing Information Systems computer equipment, or any part thereof, from the Agencies' premises without prior written authorization from the Chief Information Officer;
- Requesting technical assistance from IT staff with respect to an employee's personal computer equipment or software.

Any violation of these Policies (as amended from time to time) as well as additional rules and regulations governing usage established by Department Heads, the Chief Information Officer or the Chief Operating Officer may result in the suspension from use of the Agencies' Information Systems, and/or disciplinary action, up to and including termination from employment. Employees are encouraged to report suspected misconduct and/or inappropriate computer use to the Human Resources Unit.

6. Outside Activities of Policy Makers



Date: February 18, 2009

To: Distribution List

From: Michele L. Weinstat

A handwritten signature in black ink, appearing to be "MW", is written over the name "Michele L. Weinstat".

Re: Outside Activities of Designated "Policy Makers."

You have been designated a Policy Maker by the Agencies for purposes of State ethics law. As such, you are permitted to engage in certain outside activities only if approved by the Agencies and, in some instances, the State Commission on Public Integrity (the "Commission"). You are barred from engaging in certain other activities. This memo will outline the rules respecting outside activities as they apply specifically to designated policy makers, as well as the steps required to obtain necessary approvals.

Prohibited Activities

Under New York State law, Policy Makers may not serve as:

- Officers of any political party or organization
- Members of any local, state or national political party committee
- Political party district leaders

Note: You may serve on a "Committee to Elect" and otherwise volunteer for a candidate, as long as you do not violate any of the ethics laws that apply generally to State employees, e.g., using your official position to advance a private interest; accepting a prohibited gift (under certain circumstances, a donation you solicit for a candidate could be deemed a prohibited gift to you); or using Agency time, equipment or resources on behalf of your candidate.

Activities Requiring Approval

Agency Approval: Under State law, you must obtain *Agency* approval before engaging in public or private employment, a business, or other outside activity for which you will receive more than \$1000 but not more than \$4000.

Agency and Commission Approval: Under State law, you must obtain both *Agency* and *Commission* approval before:

- Engaging in employment, a business or other outside activity which will result in more than \$4000 in compensation

- Running for or appointment to public office even if no compensation will be received (e.g., serving on a town council, school board, zoning board, or county legislature)
- Serving as a director or officer of a for-profit corporation or institution even if no compensation results (e.g., serving as an officer for a family member's start-up business).

Examples

The following are further examples of outside activities which would require Agency approval if generating more than \$1000 in gross income or both Agency and Commission approval if generating more than \$4000 in gross income:

- Acting as an executor or trustee
- Tax preparation or private law practice
- Professional writing or teaching
- Not-for-profit board membership or employment
- House painting, carpentry, computer repair
- Retail, insurance or real estate sales
- Renting out apartments other than a single apartment within a home you own
- Assisting a start-up business (Agency and Commission approval would be needed even for uncompensated work if you are a director or officer of the business; otherwise, the normal \$1,000/\$4,000 rule applies).

Approval Procedures

If you are engaged in any outside activity requiring approval or intend to engage in such an activity, and you have not already obtained approval, please complete the attached Form "A" or "B." Form A should be utilized for activities requiring Agency and Commission approval. Form B should be utilized if only Agency approval is required. In each case, you should attach a copy of your "job duties and specifications" at the Agencies and a description of your outside activity.¹

Upon receipt, I will review the request and make a recommendation to the President, who will approve or disapprove of the request on behalf of the Agencies. In the case of an activity requiring Commission approval, the Agencies will then transmit the Form A along with any required explanation or documentation to the Commission. Once your request has received all required approvals, you will be notified and the documentation will be kept on file by Human Resources.

¹NB: Supplying information on your annual State Ethics Financial Disclosure Statement does not constitute obtaining approval.

You will need to update your outside activity request only if you have a material change in your outside activity or your Agency position, e.g., your level of compensation changes from below \$4000 to above \$4000; a change in your position at the Agency brings you into contact with entities that do business with your outside business; or your outside employer has decided to seek funds from the Agencies. If at any time you have questions regarding whether you need a new approval, please contact me.

Seeking Guidance

As briefly mentioned above, in addition to the rules for Policy Makers, the State Code of Ethics embodied in Public Officers Law §74 applies to all State employees. In determining whether to grant approval of outside activities, the Agency and Commission will consider whether a proposed outside activity raises concerns under the general provisions of the Public Officers Law.

For instance, the Agency and Commission will consider whether the proposed activity might appear to impede your independent judgment on behalf of the Agencies; require that you disclose or utilize confidential Agency information; or result in your having a financial interest which might conflict with the proper discharge of your Agency duties. An outside activity would also cause concern if it appeared that you used your Agency position to secure the outside work or if your outside activity created a public appearance that you might be improperly influenced or likely to be engaged in a violation of the public trust. Depending on the circumstances, the Agency and/or the Commission may reject a problematic request or fashion a remedy that alleviates the ethical concern, e.g., by requiring recusal from Agency work impacting on your outside interest if recusal would not unduly interfere with your Agency duties. As a general proposition, however, outside work with entities or individuals who do business with NYHOMES will be disfavored.

I am available to consult with you informally regarding outside activities you may be considering. After submission of a request, I may also contact you to discuss potential issues and request additional information if needed. If you have any doubt regarding the permissibility of an outside activity or the need to obtain approval, you are encouraged to consult with me.² The Commission also provides informal opinions to State employees on ethics questions, and you may consult with them at any time.

²Even as to activities which would not normally require approval, the most prudent course of action may be to request an ethics review regarding any outside activity that concerns you.

NYS COMMISSION ON PUBLIC INTEGRITY
540 BROADWAY
ALBANY, NEW YORK 12207

Outside Activity Report

NAME (Last, First, M.I.) _____ TITLE _____

STATE AGENCY	REGULAR WORK SCHEDULE		REGULARLY SCHEDULED WORK DAYS	
	FROM	[]am []pm	TO	[]am []pm
			[] MON - FRI	[] OTHER

STATE AGENCY ADDRESS _____

HOME ADDRESS _____

All correspondence should be sent to my State Agency Address Home Address

This is a request for approval of:

holding an elected or appointed public office; e.g., mayor or uncompensated Town Board member.

holding public employment from which I would receive more than \$4,000 annual compensation or the per diem amount provided to such position.

Position: _____

private employment, engaging in a profession or business or other outside activity from which more than \$4,000 annual compensation would be received.

Position and Employer: _____

Specify hours per week _____ and

days and hours during which you will be engaged in the outside activity _____

Does your private employment, profession or outside activity conduct any business with your employing state agency or any other state agency?[] YES [] NO

my serving as a director or officer of a profit-making corporation or institution.

Name of corporation/institution: _____

Specify hours per week _____ and

days and hours during which you will be engaged in the outside activity _____

Does the corporation/institution conduct any business with your employing state agency or any other state agency?[] YES [] NO

You MUST ATTACH a copy of your state job duties AND a description of your outside activity.

Signature X _____ Date _____

APPOINTING AUTHORITY CONSENT (MUST be completed by appointing authority):

I give my consent to the above-stated outside activity, having determined that this request is appropriate, considering Sections 73 and 74 of the Public Officers Law; this agency's applicable policies, procedures or rules and regulations governing employee conduct; and other factors such as (specify factors, if appropriate):

Authorized Signature X _____ Date _____

Title _____

Outside Activity Report (Between \$1,000 and \$4,000 in annual outside compensation)

Name: _____ Title: _____
State Agency: _____
State Agency Address: _____
Home Address: _____
Regular Work Schedule: From _____ To _____
Regularly Scheduled Work Days: Mon.-Fri. [] Other []

All Correspondence should be sent to my: [] State Agency Address
[] Home Address

This is a request for approval of private employment, engaging in a profession or business or other outside activity from which more than \$1,000 and less than or equal to \$4,000 annual compensation would be received.

Position and Employer: _____

Does your private employment, profession, business or outside activity conduct any business with your employing state agency? Yes [] No []

If Yes attach a description of the activity.

You MUST ATTACH a copy of your state job duties AND a description of your outside activity.

Signature _____ Date _____

APPOINTING AUTHORITY CONSENT (MUST be completed by appointing authority):

I give my consent to the above-stated outside activity, having determined that this request is appropriate, considering Sections 73 and 74 of the Public Officers Law; this agency's applicable policies, procedures or rules and regulations governing employee conduct; and other factors such as (*specify factors, if appropriate*):

Authorized Signature _____ Date _____
Title _____

7. Ethics Act: Receipt of Honoraria

NEW YORK STATE
HOUSING FINANCE AGENCY

STATE OF NEW YORK
MORTGAGE AGENCY

Inter-Office Correspondence

TO: Staff

FROM: Maria Berrios 

DATE: April 17, 2008

SUBJECT: Ethics Act: Receipt of Honoraria

The New York State Ethics Commission has issued regulations covering the Receipt of Honoraria (see 19 NYCRR § 930). The regulations apply to all Agency employees whether or not they have been designated policy makers for purposes of the State Ethics Law. Under the regulations, the receipt of certain honoraria is prohibited. Honoraria which is permissible to accept must be reported. In order to prevent problems from arising, it is recommended that employees always obtain Agency review and approval before accepting honoraria. Please note that employees are required to surrender honoraria they should not have accepted.

Definition of Honoraria. Honoraria consists of payments, gratuities or fees received for such things as making speeches or writing articles. In addition, honoraria would include receiving such payments, gratuities or fees in connection with receiving awards or honors. Honoraria may also include a payment to a lodging site or provider of transportation for travel expenses or reimbursement to the employee for travel expenses incurred for services rendered by the employee not related to the employee's official duties.

Prohibited Honoraria. The regulations *prohibit* the receipt of honoraria from any organization which has business with the Agencies or which is affected by Agency operations or which is involved in litigation adverse to the Agencies or which lobbies or attempts to influence the Agencies (a "Disqualified Source").

Permitted Honoraria. Honoraria which is permitted is honoraria received for service which is not a part of the duties of the position of the employee provided that: a) Agency personnel, equipment and time (including that of the employee) will not be used to prepare for delivery of a speech or to render services, b) the Agencies do not pay the travel expenses of the employee, c) the sole purpose of the travel was to perform the service for which honoraria was offered, and d) the service is not performed during the employee's work day or, if so, the employee must charge accrued

NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY
NEW YORK STATE AFFORDABLE HOUSING CORPORATION
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY
TOBACCO SETTLEMENT FINANCING CORPORATION

FORM A

ANNUAL HONORARIA REPORT FORM- HONORARIA RECEIVED¹
For Period From April 1, 2007 to April 1, 2008
(DATE DUE: *May 1, 2008*)

Employee Name: _____

Job Title: _____

Amount of honorarium: \$ _____ Date honorarium was received: _____

(Month/Day/Year)

Honoraria received: _____

Source of honorarium: _____

Place where service was performed: _____

Nature of service for which honorarium was received: _____

I hereby certify that:

1. I have received and read the Agencies' memorandum dated April 17, 2008, entitled "Ethics Act: Receipt of Honoraria." (Agency or Agencies refers to all Agencies referenced in the title to this form.)
2. The above provided information together with the other attached report sheets is an accurate and complete reporting of all honoraria I have received for the period set forth in this form.
3. The honorarium was not received from any organization which has business with the Agencies or which is affected by Agency operations or which is involved in litigation adverse to the Agencies or which lobbies or attempts to influence the Agencies.
4. The honorarium was received for service which is not a part of my duties or responsibilities as an employee or officer of the Agencies.
5. No Agency personnel, equipment and time (including that of the employee) was (or will be) used to prepare for delivery of a speech or to render services
6. The Agencies do not pay my travel expenses.
7. The sole purpose of the travel was to perform the service for which an honorarium was offered.
8. The service was not performed during my Agency work day or, if it was, I charged accrued leave (other than sick leave).

Employee Signature: _____ Date: _____

USE ONE FORM FOR EACH RECEIPT OF HONORARIUM
RETURN TO THE HUMAN RESOURCES DEPARTMENT

¹ If any Agency or Ethics Commission preapproval was obtained for the receipt of the honorarium reported as received herein, please feel free to reference and attach the pertinent documentation hereto.

NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY
NEW YORK STATE AFFORDABLE HOUSING CORPORATION
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY
TOBACCO SETTLEMENT FINANCING CORPORATION

FORM B

ANNUAL HONORARIA REPORT FORM- NO HONORARIA RECEIVED
For Period From April 1, 2007 To April 1, 2008
(DATE DUE: May 1, 2008)

Employee Name: _____

Job Title: _____

I hereby certify that I have received and read the Agencies' memorandum dated April 17, 2008, entitled "Ethics Act: Receipt of Honoraria." I further certify that I have not received any honoraria during the period April 1, 2007 to April 1, 2008.

I hereby further certify that I [check one]:

received travel-related reimbursement for job-related activities from any source outside the Agency in relation to my official duties during the period from April 1, 2007 to April 1, 2008.

did not receive travel-related reimbursement for job-related activities from any source outside the Agency in relation to my official duties during the period from April 1, 2007 to April 1, 2008.

Employee Signature: _____

Date: _____

..... RETURN TO THE HUMAN RESOURCES DEPARTMENT

Commonly Asked Questions Concerning Honoraria

1. Which of your employees are covered by the regulations?

All of your employees are covered irrespective of whether they have been designated as policymakers for the purpose of financial disclosure. See 930.2 (f). Even employees who are exempted from restrictions on honoraria (certain employees who also held academic positions) must still nonetheless report their honoraria.

2. How are employees to know about the honoraria reporting requirements?

Many State agencies send an annual notice to all employees reminding them of their obligation to seek approval of honoraria.

3. What is an honorarium?

An honorarium is generally a speaking fee or compensation received from writing an article, or reimbursement for travel expenses not related to official duties. [See 930.2 (c).] The key is that the service provided is not job related. In making this determination, the agency must consider whether it would make the employee available on State time to provide the service.

4. Who has the responsibility for approving honoraria?

Agency heads or their designees are authorized by the Commission's regulations to approve an employee's request to receive an honorarium. Agency heads must go to the Commission for honoraria approval.

5. What are the criteria for an agency to approve an employee's request to receive an honorarium?

- A. The honorarium must not be job related. For example, an employee who is responsible for responding to the public about certain aspects of the agency's regulations cannot accept an honorarium for giving a speech about the regulations.

8. Compliance with Lobbying Law

Compliance with the New York State Lobbying Act

With respect to contact with outside parties attempting to influence a **nyhomes** procurement, all employees are required to comply with the New York State “Lobbying Act,” created by Chapter 2 of the Laws of 1999, as amended by Chapter 62 of the Laws of 2003, Chapter 1 of the Laws of 2005, and Chapter 14 of the Laws of 2007.

The Lobbying Act requires the nyhomes Agencies to designate specific Agency employees as the only employees who can be contacted by outside parties attempting to influence an Agency procurement during the “Restricted Period.” The Restricted Period commences with the earliest written notification, advertisement or solicitation of proposals, invitation for bids, or any other method for soliciting a response from those wishing to enter into a procurement contract with a **nyhomes** agency. The Restricted Period continues until the procurement is awarded. The Lobbying Act restrictions apply to all procurement contracts involving an annualized expenditure of more than \$15,000.

For any potential contract made subject to the Lobbying Act, the Agency shall notify every potential contractor or vendor that the Agency has designated a Lobbying Reform Law Contact Officer who is the only **nyhomes** representative permitted to be contacted in an attempt to influence the procurement during the Restricted Period. The Agencies must record any Restricted Period contacts by outside parties seeking to influence the Agency procurement, either contacts made with designated employees or with others not designated. **Any Agency employee, whether the designated employee or otherwise, who is contacted in an attempt to influence a procurement during the Restricted Period, is required to record the contact, include it in the procurement record for the procurement, and provide the contact information to the Agency’s Procurement Contract Officer.**

9. Campaign Activities

STAFF MEMORANDUM

To: All Staff
From: Michele L. Weinstat 
Subject: Campaign Activities

Date: November 5, 2007

As we enter a new political campaign season, this memo serves to remind you of the rules and laws relating to campaign activities. Employees are free to participate in the political campaign process. However, you must ensure that you avoid an appearance of impropriety or violation of the public trust.

Accordingly, if you work on a campaign or run for political office, you must engage in campaign activities only on your own time (requesting vacation time or a leave of absence if needed) and you may not use the Agencies' resources, e.g., telephones, supplies, computers or support staff, for campaign activities. You must not utilize your Agency title in campaign literature (permitted only as a brief part of a candidate biography if you run for office).

You must not solicit political contributions from subordinates or those who have conducted business with the Agencies in the last 12 months, who currently do business with the Agencies, or who are reasonably likely to do business with the Agencies in the future. The only exception to this no-solicitation rule is solicitation by "permissible mass mailing," as defined in federal law (5 C.F.R. 2635.808).

Your holding a particular political office or campaign position could also conflict with your employment with the Agencies and would, therefore, violate New York Public Officers Law (§74). To avoid inadvertent violation of the law, it is preferable that any employee considering running for office consult with me and/or the New York Commission on Public Integrity as early as possible.¹ Moreover, if your work with the Agencies primarily relates to an activity financed by federal funds, you should be aware that the federal Hatch Act (5 U.S.C.A. §1501) entirely prohibits you from running for public office or soliciting other "Hatch Act" employees for any political purpose.

¹Note: Employees designated as policymakers must receive the approval of the Agencies and the New York Commission on Public Integrity if running for political office. They are also strictly prohibited from serving, in a paid or unpaid capacity, as an officer or member of any political party committee, including district leader, or member of any local, state or national political party committee or organization that is affiliated with or subsidiary to a political party. They may, however, participate in campaign fund-raising committees.

If you have any questions with respect to these issues, please contact me, the New York Commission on Public Integrity at 1-800-87-ETHICS, or, if your questions relate to the Hatch Act, the U.S. Office of the Special Counsel at 1-800-85-HATCH. For your reference, I have attached the New York State Ethics Commission's Advisory Opinion No. 98-12 (regarding work on political campaigns, including fundraising), Advisory Opinion No. 92-16 (regarding seeking elective office), as well as the Commission's most recent political activity guidelines.

Attachments

1. Ethics Commission Advisory Opinion 98-12
2. Ethics Commission Advisory Opinion 92-16
3. Ethics Commission memo regarding New York State employees and political activity

**10. Avoidance of Recommendations with
respect to Professionals Doing Business with
NYHOMES**

Inter-Office Correspondence

To: Staff

From: Justin E. Driscoll  **Date:** December 8, 2005

Subject: Avoidance of Recommendations with respect to professionals doing business with the Agency

The Agencies are instrumentalities of the State of New York created by State statute. As such, the rules that apply to the Agencies and the Agencies' staff are different from those which may pertain in private enterprise operations. One thing which all staff should bear in mind is the responsibility of the Agencies to observe the scrupulous standards of impartiality generally applicable to governmental agencies.

For this reason, all staff should refrain from recommending or otherwise commenting upon the relative qualifications, skills or proficiency of professionals with whom the Agencies do business. Specifically, you may find that people preparing to do business with the Agencies may ask you to comment upon or recommend professionals with whom the Agencies have had experience. If asked to comment or make recommendations with respect to any professionals such as financial consultants, tax credit syndicators, architects, lawyers, contractors, real estate consultants, appraisers or the like, you should refrain from doing so.

Notwithstanding the above, there may be times when you are aware of information about professionals with whom the Agency has done business which may not be appropriate to withhold. For example, we can inform those outside the Agency of the names of the underwriters or lawyers on the selection panels the Agencies have established. We may also be able to state when there is a formal bar which prevents the Agency from doing business with a firm or professional. Lastly, there may be situations where individuals make inquiry with respect to information to which they may be entitled under the State's Freedom of Information Law, such as asking for the names of all architects who have designed certain kinds of Agency projects. If these questionable situations arise you should contact me or Michael D. D. White, Vice President and Deputy Counsel, before responding to the inquiry.

**11. Public Officers Law §§73, 73-a, and 74,
which apply to NYHOMES Employees**

POL §73

Public Officers Law §73

Business or Professional Activities by State Officers and Employees and Party Officers

§ 73. Business or professional activities by state officers and employees and party officers.

1. As used in this section:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the state ethics commission or legislative ethics committee in relation to persons subject to their respective jurisdictions.

(b) The term "licensing" shall mean any state agency activity, other than before the division of corporations and state records in the department of state, respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency as defined herein, which in the absence of such license, permit or other form of permission would be prohibited.

(c) The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

(d) The term "ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

(e) The term "regulatory agency" shall mean the banking department, insurance department, state liquor authority, department of agriculture and markets, department of education, department of environmental conservation, department of health, division of housing and community renewal, department of state, other than the division of corporations and state records, department of public service, the industrial board of appeals in the department of labor and the department of law, other than when the attorney general or his agents or employees are performing duties specified in section sixty-three of the executive law.

(f) The term "representative capacity" shall mean the presentation of the interests of a client or other person pursuant to an agreement, express or implied, for compensation for services.

(g) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges of the state university of New York and the independent institutions operating statutory or contract colleges on behalf of the state.

(h) The term "statewide elected official" shall mean the governor, lieutenant governor, comptroller or attorney general.

(i) The term "state officer or employee" shall mean:

- (i) heads of state departments and their deputies and assistants other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis;
 - (ii) officers and employees of statewide elected officials;
 - (iii) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and
 - (iv) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, who receive compensation other than on a per diem basis, and employees of such authorities, corporations and commissions.
- (j) The term "city agency" shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include the board of education, the board of higher education, school boards, city and community colleges, community boards, the New York city transit authority, the New York city housing authority and the Triborough bridge and tunnel authority, but shall not include any court or corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.
- (k) The term "political party chairman" shall mean:
- (i) the chairman of the state committee of a party elected as provided in section 2-112 of the election law and his or her successor in office;
 - (ii) the chairman of a county committee elected as provided in section 2-112 of the election law and his or her successor in office from a county having a population of three hundred thousand or more or who receives compensation or expenses, or both, during the calendar year aggregating thirty thousand dollars or more; and
 - (iii) that person (usually designated by the rules of a county committee as the "county leader" or "chairman of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person was elected from a county having a population of three hundred thousand or more or was a person who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:
 - (A) the principal political, executive and administrative officer of the county committee;
 - (B) the power of general management over the affairs of the county committee;
 - (C) the power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;
 - (D) the power to preside at all meetings of the county executive committee, if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;
 - (E) the power to call a meeting of the county committee or of any committee or subcommittee vested with the

rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law; or

(F) the power to direct the treasurer of the party to expend funds of the county committee.

The terms "constituted committee" and "political committee", as used in this paragraph (k), shall have the same meanings as those contained in section 14-100 of the election law.

(l) A person has a "financial interest" in any entity if that person:

(i) owns or controls ten percent or more of the stock of such entity (or one percent in the case of a corporation whose stock is regularly traded on an established securities exchange); or

(ii) serves as an officer, director or partner of that entity.

(m) The "relative" of any individual shall mean any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

2. In addition to the prohibitions contained in subdivision seven hereof, no statewide elected official, state officer or employee, member of the legislature or legislative employee shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

3. (a) No statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee shall receive, directly or indirectly, or enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or another against the interest of the state in relation to any case, proceeding, application or other matter before, or the transaction of business by himself or another with, the court of claims.

(b) No state officer or employee who is required to file an annual statement of financial disclosure pursuant to the provisions of section seventy-three-a of this article, and is not otherwise subject to the provisions of this section, shall receive, directly or indirectly, or enter into any agreement express or implied, for any compensation, in whatever form, for the appearance or rendition of services by himself or another against the interest of the state agency by which he is employed or affiliated in relation to any case, proceeding, application or other matter before, or the transaction of business by himself or another with, the court of claims.

4. (a) No statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman or firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to any state agency, or (ii) contract for or provide such goods or services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a state agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This paragraph shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

(b) No political party chairman of a county wholly included in a city with a population of more than one million, or

firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall (i) sell any goods or services having a value in excess of twenty-five dollars to any city agency, or (ii) contract for or provide such goods or services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by a city agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This paragraph shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

(c) For purposes of this subdivision, the term "services" shall not include employment as an employee.

5. No statewide elected official, state officer or employee, individual whose name has been submitted by the governor to the senate for confirmation to become a state officer or employee, 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 could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his 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.

(b) solicit, accept or receive any gift, as defined in section one-c of the legislative law, from any person who is prohibited from delivering such gift pursuant to section one-m of the legislative law unless under the circumstances it is not reasonable to infer that the gift was intended to influence him; or

(c) permit the solicitation, acceptance, or receipt of any gift, as defined in section one-c of the legislative law, from any person who is prohibited from delivering such gift pursuant to section one-m of the legislative law to a third party including a charitable organization, on such official's designation or recommendation or on his or her behalf, under circumstances where it is reasonable to infer that the gift was intended to influence him.

5-a. (a) For the purpose of this subdivision only, the term "honorarium" shall mean any payment made in consideration for any speech given at a public or private conference, convention, meeting, social event, meal or like gathering.

(b) No statewide elected official or head of any civil department shall, directly or indirectly, solicit, accept or receive any honorarium while holding such elected office or appointed position.

(c) No member of the legislature or legislative employee shall, directly or indirectly, solicit, accept or receive any honorarium while holding such elected office or employment, other than honorarium paid in consideration for a speech given on a topic unrelated to the individual's current public employment or as earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade or profession, such as teaching, practicing law, medicine or banking, unless the sole or predominant activity thereof is making speeches.

6. (a) Every legislative employee not subject to the provisions of section seventy-three-a of this chapter shall, on and after December fifteenth and before the following January fifteenth, in each year, file with the legislative ethics committee established by section eighty of the legislative law a financial disclosure statement of

(1) each financial interest, direct or indirect of himself, his spouse and his unemancipated children under the age of eighteen years in any activity which is subject to the jurisdiction of a regulatory agency or name of the entity in which the interest is had and whether such interest is over or under five thousand dollars in value.

(2) every office and directorship held by him in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency, including the name of such corporation, firm or enterprise.

(3) any other interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.

(b) Copies of such statements shall be open for public inspection and copying.

(c) Any such legislative employee who knowingly and wilfully with intent to deceive makes a false statement or gives information which he knows to be false in any written statement required to be filed pursuant to this subdivision, shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty shall be made by the legislative ethics committee in accordance with the provisions of subdivision twelve of section eighty of the legislative law. For a violation of this subdivision, the committee may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

7. (a) No statewide elected official, or state officer or employee, other than in the proper discharge of official state or local governmental duties, or member of the legislature or legislative employee, or political party chairman shall receive, directly or indirectly, or enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or another in relation to any case, proceeding, application or other matter before a state agency where such appearance or rendition of services is in connection with:

(i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such agency;

(ii) any proceeding relating to rate making;

(iii) the adoption or repeal of any rule or regulation having the force and effect of law;

(iv) the obtaining of grants of money or loans;

(v) licensing; or

(vi) any proceeding relating to a franchise provided for in the public service law.

(b) No political party chairman in a county wholly included in a city having a population of one million or more shall receive, directly or indirectly, or enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or another in relation to any case, proceeding, application or other matter before any city agency where such appearance or rendition of services is in connection with:

(i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such agency;

(ii) any proceeding relating to ratemaking;

(iii) the adoption or repeal of any rule or regulation having the force and effect of law;

(iv) the obtaining of grants of money or loans;

(v) licensing. For purposes of this paragraph, the term "licensing" shall mean any city agency activity respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency of a city agency which in the absence of such license, permit or other form of permission would be prohibited; and

(vi) any proceeding relating to a franchise.

(c) Nothing contained in this subdivision shall prohibit a statewide elected official, or a state officer or employee, unless otherwise prohibited, or a member of the legislature or legislative employee, or political party chairman, from appearing before a state agency in a representative capacity if such appearance in a representative capacity is in connection with a ministerial matter.

(d) Nothing contained in this subdivision shall prohibit a member of the legislature, or a legislative employee on behalf of such member, from participating in or advocating any position in any matter in an official or legislative capacity, including, but not limited to, acting as a public advocate whether or not on behalf of a constituent. Nothing in this paragraph shall be construed to limit the application of the provisions of section seventy-seven of this chapter.

(e) Nothing contained in this subdivision shall prohibit a state officer or employee from appearing before a state agency in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by an employee organization.

(f) Nothing contained in this subdivision shall prohibit a political party chairman from participating in or advocating any matter in an official capacity.

(g) Nothing contained in this subdivision shall prohibit internal research or discussion of a matter, provided, however, that the time is not charged to the client and the person does not share in the net revenues generated or produced by the matter.

(h) Nothing contained in this subdivision shall prohibit a state officer or employee, unless otherwise prohibited, from appearing or rendering services in relation to a case, proceeding, application or transaction before a state agency, other than the agency in which the officer or employee is employed, when such appearance or rendition of services is made while carrying out official duties as an elected or appointed official, or employee of a local government or one of its agencies.

8. (a) (i) No person who has served as a state officer or employee shall within a period of two years after the termination of such service or employment appear or practice before such state agency or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation or association in relation to any case, proceeding or application or other matter before such agency.

(ii) No person who has served as a state officer or employee shall after the termination of such service or employment appear, practice, communicate or otherwise render services before any state agency or receive compensation for any such services rendered by such former officer or employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

* (iii) No person who has served as a member of the legislature shall within a period of two years after the termination of such service receive compensation for any services on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by either house of the legislature. No

legislative employee who is required to file an annual statement of financial disclosure pursuant to the provisions of section seventy-three-a of this chapter shall during the term of office of the legislature in which he or she was so employed, receive compensation at any time during the remainder of such term after leaving the employ of the legislature for any services on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by either house of the legislature in relation to any matter with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment. A legislative employee who acted primarily in a supervisory capacity in such matter and who was not personally involved in the development, negotiation or implementation of the matter to an important and material degree, may, with the approval of the legislative ethics committee, receive such compensation and perform such services.

* NB Effective until December 31, 2008

* (iii) No person who has served as a member of the legislature shall within a period of two years after the termination of such service receive compensation for any services on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by either house of the legislature. No legislative employee shall within a period of two years after the termination of such service receive compensation for any services on behalf of any person, firm, corporation or association to appear, practice or directly communicate before either house of the legislature to promote or oppose the passage of bills or resolutions by either house of the legislature.

* NB Effective December 31, 2008

(iv) No person who has served as an officer or employee in the executive chamber of the governor shall within a period of two years after termination of such service appear or practice before any state agency.

(b) (i) The provisions of subparagraph (i) of paragraph (a) of this subdivision shall not apply to any state officer or employee whose employment was terminated on or after January first, nineteen hundred ninety-five and before April first, nineteen hundred ninety-nine because of economy, consolidation or abolition of functions, curtailment of activities or other reduction in the state work force. On or before the date of such termination of employment, the state agency shall provide to the terminated employee a written certification that the employee has been terminated because of economy, consolidation or abolition of functions, curtailment of activities or other reduction in the state work force, and that such employee is covered by the provisions of this paragraph. The written certification shall also contain a notice describing the rights and responsibilities of the employee pursuant to the provisions of this section. The certification and notice shall contain the information and shall be in the form set forth below:

CERTIFICATION AND NOTICE

TO: Employee's Name: _____
 State agency: _____
 Date of Termination: _____

I, (name and title) of (state agency), hereby certify that your termination from State service is because of economy, consolidation or abolition of functions, curtailment of activities or other reduction in the State work force. Therefore, you are covered by the provisions of paragraph (b) of subdivision eight of section seventy-three of the Public Officers Law.

You were designated as a policy maker: YES ____ NO ____

 (TITLE)

TO THE EMPLOYEE:

This certification affects your right to engage in certain activities after you leave state service.

Ordinarily, employees who leave State service may not, for two years, appear or practice before their former agency or receive compensation for rendering services on a matter before their former agency. However, because of this certification, you may be exempt from this restriction.

If you were not designated as a Policymaker by your agency, you are automatically exempt. You may, upon leaving State service, immediately appear, practice or receive compensation for services rendered before your former agency.

If you were designated as a Policymaker by your agency, you are eligible to apply for an exemption to the State Ethics Commission at 39 Columbia Street, Albany, New York 12207.

Even if you are or become exempt from the two year bar, the lifetime bar of the revolving door statute will continue to apply to you. You may not appear, practice, communicate or otherwise render services before any State agency in relation to any case, proceeding, application or transaction with respect to which you were directly concerned and in which you personally participated during your State service, or which was under your active consideration.

If you have any questions about the application of the post-employment restrictions to your circumstances, you may contact the State Ethics Commission at (518) 432-8207 or 1-800-87ETHIC (1-800-873-8442).

(ii) The provisions of subparagraph (i) of this paragraph shall not apply to any such officer or employee who at the time of or prior to such termination had served in a policymaking position as determined by the appointing authority, which determination had been filed with the state ethics commission, provided that such officer or employee may so appear or practice or receive such compensation with the prior approval of the state ethics commission. In determining whether to grant such approval the state ethics commission shall consider:

- A. whether the employee's prior job duties involved substantial decision-making authority over policies, rule or contracts;
- B. the nature of the duties to be performed by the employee for the prospective employer;
- C. whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee;
- D. whether the prospective employment may be beneficial to the state or the public; and
- E. the extent of economic hardship to the employee if the application is denied.

(c) The provisions of paragraph (b) of this subdivision shall not apply to employees whose employment has been discontinued as a result of retirement or to employees who, prior to termination, have declined to exercise a right to another position with a state agency unless such position would require the employee to travel more than thirty-five miles in each direction to the new position or accept a reduction in base salary of more than ten per centum.

(d) Nothing contained in this subdivision shall prohibit any state agency from adopting rules concerning practice before it by former officers or employees more restrictive than the requirements of this subdivision.

(e) This subdivision shall not apply to any appearance, practice, communication or rendition of services before any

state agency, or either house of the legislature, or to the receipt of compensation for any such services, rendered by a former state officer or employee or former member of the legislature or legislative employee, which is made while carrying out official duties as an elected official or employee of a federal, state or local government or one of its agencies.

(f) Nothing in this subdivision shall be deemed to prevent a former state officer or employee who was employed on a temporary basis to perform routine clerical services, mail services, data entry services or other similar ministerial tasks, from subsequently being employed by a person, firm, corporation or association under contract to a state agency to perform such routine clerical services, mail services, data entry services or other similar ministerial tasks; provided however, this paragraph shall in no event apply to any such state officer or employee who was required to file an annual statement of financial disclosure pursuant to section seventy-three-a of this article.

(g) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the state ethics commission that the services of such former officer or employee are required in connection with the agency's efforts to address the state's year 2000 compliance problem.

(h) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the state ethics commission that the services of such former officer or employee are required in connection with the agency's response to a disaster emergency declared by the governor pursuant to section twenty-eight of the executive law.

8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the state ethics commission, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the state ethics commission, provides to the state ethics commission a written certification which meets the requirements of this subdivision. For purposes of this subdivision the term "permitted activities" shall mean generally any activity performed at the request of the attorney general or the attorney general's designee, or in cases where the state agency is not represented by the attorney general, the general counsel of such state agency, including without limitation:

(a) preparing or giving testimony or executing one or more affidavits;

(b) gathering, reviewing or analyzing information, including documentary or oral information concerning facts or opinions, attending depositions or participating in document review or discovery;

(c) performing investigations, examinations, inspections or tests of persons, documents or things;

(d) performing audits, appraisals, compilations or computations, or reporting about them;

(e) identifying information to be sought concerning facts or opinions;

or

(f) otherwise assisting in the preparation for, or conduct of, such litigation.

Nothing in this subdivision shall apply to the provision of legal representation by any former state officer or employee.

* 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency if, prior to engaging in such service, the agency head certifies in writing to the state ethics commission that such former officer or employee has expertise, knowledge or experience with respect to a particular matter which meets the needs of the agency and is otherwise unavailable at a comparable cost. Where approval of the contract is required under section one hundred twelve of the state finance law, the comptroller shall review and consider the reasons for such certification. The state ethics commission must review and approve all certifications made pursuant to this subdivision.

* NB There are 2 sub 8-b's

* 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section, a former state officer or employee who, prior to his or her separation from state service, was employed as a health care professional and, in conjunction with his or her state duties, provided treatment and/or medical services to individuals residing in or served by a state-operated facility is not barred from rendering services to such individuals in their care prior to leaving state service, at the state-operated facility which employed the former state officer or employee.

* NB There are 2 sub 8-b's

9. No party officer while serving as such shall be eligible to serve as a judge of any court of record, attorney-general or deputy or assistant attorney-general or solicitor general, district attorney or assistant district attorney. As used in this subdivision, the term "party officer" shall mean a member of a national committee, an officer or member of a state committee or a county chairman of any political party.

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission or by the legislative ethics committee in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this chapter is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, the court of claims, where such

statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this chapter does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission or by the legislative ethics committee in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

11. Notwithstanding any provision of the judiciary law, the education law or any other law or disciplinary rule to the contrary:

(a) Conduct authorized pursuant to subdivision eight of this section by a person who has served as a member of the legislature or as a legislative employee shall not constitute professional misconduct or grounds for disciplinary action of any kind;

(b) No member of the legislature or former member of the legislature shall be prohibited from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, any state agency solely by reason of any vote or other action by such member or former member in respect to the confirmation or election of any member, commissioner, director or other person affiliated with such state agency, but nothing in this paragraph shall limit the prohibition contained in subdivision eight of this section;

(c) The appearance, practice, communication or rendition of services in relation to any matter before, or transaction of business with a state agency, or with the court of claims, or the promotion or opposition to the passage of bills or resolutions by either house of the legislature, by a member, associate, retired member, of counsel or shareholder of a firm, association or corporation, in accordance with subdivision ten of this section, is hereby authorized and shall not constitute professional misconduct or grounds for disciplinary action of any kind solely by reason of the professional relationship between the statewide elected official, state officer or employee, political party chairman, member of the legislature, or legislative employee and any firm, association, corporation or any member, associate, retired member, of counsel, or shareholder thereof, or by reason of the appearance created by any such professional relationship.

12. A statewide elected official, state officer or employee, or a member of the legislature or legislative employee, or political party chairman, who is a member, associate, retired member, of counsel to, or shareholder of any firm, association or corporation which is appearing or rendering services in connection with any case, proceeding, application or other matter listed in paragraph (a) or (b) of subdivision seven of this section shall not orally communicate, with or without compensation, as to the merits of such cause with an officer or an employee of the agency concerned with the matter.

13. For the purposes of this section, a statewide elected official or state officer or employee or member of the legislature or legislative employee or political party chairman who is a member, associate, retired member, of counsel to, or shareholder of any firm, association or corporation shall not be deemed to have made an appearance under the provisions of this section solely by the submission to a state agency or city agency of any printed material or document bearing his or her name, but unsigned by him or her, such as by limited illustrations the name of the firm, association or corporation or the letterhead of any stationery, which pro forma serves only as an indication that he or she is such a member, associate, retired member, of counsel to, or shareholder.

14. (a) No statewide elected official, state officer or employee, member of the legislature or legislative employee may participate in any decision to hire, promote, discipline or discharge a relative for any compensated position at, for or within any state agency, public authority or the legislature.

(b) This paragraph shall not apply to (i) the hiring of a relative by a legislator with a physical impairment, for the sole purpose of assisting with that impairment, as necessary and otherwise permitted by law; (ii) the temporary hiring of legislative pages, interns and messengers; or (iii) responding to inquiries with respect to prospective hires related to an

individual covered by this paragraph.

15. No statewide elected official, state officer or employee, member of the legislature or legislative employee shall:

(a) participate in any state contracting decision involving the payment of more than one thousand dollars to that individual, any relative of that individual, or any entity in which that individual or any relative has a financial interest; or

(b) participate in any decision to invest public funds in any security of any entity in which that individual or any relative of that individual has a financial interest, is an underwriter, or receives any brokerage, origination or servicing fees.

16. (a) No statewide elected official, state officer or employee involved in the awarding of state grants or contracts may ask a current or prospective grantee or contractor, or any officer, director or employee thereof, to disclose: (i) the party affiliation of such grantee or contractor, or any officer, director or employee thereof; (ii) whether such grantee or contractor, or any officer, director or employee thereof, has made campaign contributions to any party, elected official, or candidate for elective office; or (iii) whether such grantee or contractor, or any officer, director or employee thereof, cast a vote for or against any elected official, candidate or political party.

(b) No statewide elected official or state officer or employee may award or decline to award any state grant or contract, or recommend, promise or threaten to do so, in whole or in part, because of a current or prospective grantee's or contractor's refusal to answer any inquiry prohibited by paragraph (a) of this subdivision, or giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

17. (a) No statewide elected official, or state officer or employee may during the consideration of an employment decision ask any applicant for public employment to disclose: (i) the political party affiliation of the applicant; (ii) whether the applicant has made campaign contributions to any party, elected official, or candidate for elective office; or (iii) whether the applicant cast a vote for or against any elected official, candidate or political party. The provisions of this paragraph shall not apply where (1) such inquiry is necessary for the proper application of any state law or regulation; or (2) such inquiry is consistent with publicly disclosed policies or practices of any state agency or public authority, whose purpose is to ensure the representation of more than one political party on any multi-member body.

(b) No statewide elected official or state officer or employee may decline to hire or promote, discharge, discipline, or in any manner change the official rank or compensation of any state official or employee, or applicant for employment, or promise or threaten to do so, based upon a refusal to answer any inquiry prohibited by paragraph (a) of this subdivision, or for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

(c) No state officer or employee shall, directly or indirectly, use his or her official authority to compel or induce any other state officer or employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value.

18. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through seventeen of this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received in connection with such violation. Assessment of a civil penalty hereunder shall be made by the state oversight body with jurisdiction over such person. A state oversight body acting pursuant to its jurisdiction, may, in lieu of a civil penalty, with respect to a violation of subdivisions two through five, seven or eight of this section, refer a violation of any such subdivision to the appropriate prosecutor and upon such conviction such violation shall be punishable as a class A misdemeanor.

POL 73a

§ 73-a. Financial disclosure. 1. As used in this section: (a) The term "statewide elected official" shall mean the governor, lieutenant governor, comptroller, or attorney general.

(b) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges of the state university of New York and the independent institutions operating statutory or contract colleges on behalf of the state.

(c) The term "state officer or employee" shall mean:

(i) heads of state departments and their deputies and assistants;

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the state ethics commission established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the state ethics commission established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (l) below or who is determined to hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the legislative ethics committee established by section eighty of the legislative law.

(e) The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (i) a judicial order, decree or judgment, or (ii) a legally binding separation agreement.

(f) The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

(g) The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

(h) The term "political party chairman" shall have the same meaning as ascribed to such term by subdivision one of

section seventy-three of this chapter.

(i) The term "local agency" shall mean:

(i) any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and

(ii) any public benefit corporation or public authority not included in the definition of a state agency.

(j) The term "regulatory agency" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of this chapter.

(k) The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of this chapter.

(l) The term "filing rate" shall mean the job rate of SG-24 as set forth in paragraph a of subdivision one of section one hundred thirty of the civil service law as of April first of the year in which an annual financial disclosure statement shall be filed.

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three hereof. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the state ethics commission or with the legislative ethics committee, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law or pursuant to paragraph c of subdivision eight of section eighty of the legislative law, shall file such statement within the additional period of time granted;

(iii) candidates for statewide office who receive a party designation for nomination by a state committee pursuant to section 6-104 of the election law shall file such statement within seven days after the date of the meeting at which they are so designated;

(iv) candidates for statewide office who receive twenty-five percent or more of the vote cast at the meeting of the state committee held pursuant to section 6-104 of the election law and who demand to have their names placed on the primary ballot and who do not withdraw within fourteen days after such meeting shall file such statement within seven

days after the last day to withdraw their names in accordance with the provisions of such section of the election law;

(v) candidates for statewide office and candidates for member of the legislature who file party designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of party designating petitions naming them as candidates for the next succeeding primary election;

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election;

(vii) candidates who receive the nomination of a party for a special election shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated; and

(viii) a candidate substituted for another candidate, who fills a vacancy in a party designation or in an independent nomination, caused by declination, shall file such statement within seven days after the last day allowed by law to file a certificate to fill a vacancy in such party designation or independent nomination.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination" and "ballot" shall have the same meanings as those contained in section 1-104 of the election law.

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with the legislative ethics committee established by section eighty of the legislative law. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the state ethics commission established by section ninety-four of the executive law.

(d) The legislative ethics committee and the state ethics commission shall obtain from the state board of elections a list of all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Any person required to file such statement who commences employment after May fifteenth of any year and political party chairman shall file such statement within thirty days after commencing employment or of taking the position of political party chairman, as the case may be.

(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the state ethics commission and the legislative ethics committee in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.

(g) A person who is employed in more than one employment capacity for one or more employers certain of whose officers and employees are subject to filing a financial disclosure statement with the same ethics commission or ethics committee, as the case may be, and who receives distinctly separate payments of compensation for such employment shall be subject to the filing requirements of this section if the aggregate annual compensation for all such employment capacities is in excess of the filing rate notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity. A person not otherwise required to file a financial disclosure statement hereunder who is employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the state ethics commission and who is also employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the legislative ethics committee shall not be subject to filing such statement with either such commission or such committee on the basis that his

aggregate annual compensation from all such employers is in excess of the filing rate.

(h) A statewide elected official or member of the legislature, who is simultaneously a candidate for statewide elected office or member of the legislature, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds a statewide elected office or who holds the office of member of the legislature.

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

(j) A member of the legislature who is elected to such office at a special election prior to May fifteenth in any year shall satisfy the filing requirements of this subdivision in such year by complying with the earliest applicable deadline only.

3. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year _____)

- 1. Name _____
- 2. (a) Title of Position _____
- (b) Department, Agency or other Governmental Entity _____
- (c) Address of Present Office _____
- (d) Office Telephone Number _____
- 3. (a) Marital Status _____. If married, please give spouse's full name including maiden name where applicable.

- (b) List the names of all unemancipated children.

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the Category by letter only.

Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified.

The term "calendar year" shall mean the year ending the December 31st preceding the date of filing of the annual statement.

- 4. (a) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the reporting individual with any firm, corporation, association,

partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any occupation, employment (other than the employment listed under Item 2 above), trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the

election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

- 8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

- (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

- 9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

- 10. Identify and briefly describe the source of any reimbursements for

expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does NOT include gifts reported under item 9.

Source	Description

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the state of New York or the city of New York, and deferred compensation plans (e.g., 401, 403(b), 457, etc.) established in accordance with the internal revenue code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Identity	Category of Value*

* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

13. List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount
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14. List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of Amount
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15. List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned	Assigned or	Category
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or Transferred Transferred to of Value

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

			Percentage of corporate stock owned or controlled (if more than 5% of pub- licly traded stock, or more than 10% if stock not publicly traded, is held)	Category of Market Value as of the close of the taxable year last occurring prior to the filing of this statement
Self/ Spouse	Issuing Entity	Type of Security		

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Self/ Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value
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18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount
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19. List below all liabilities of the reporting individual and such individual's spouse, in EXCESS of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual

shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)

Date (month/day/year)

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the state ethics commission or by the legislative ethics committee, as the case may be, with respect to persons subject to their respective jurisdictions. The state ethics commission acting pursuant to subdivision thirteen of section ninety-four of the executive law or the legislative ethics committee acting pursuant to subdivision twelve of section eighty of the legislative law, as the case may be, may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The state ethics commission and the legislative ethics committee shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the state ethics commission or legislative ethics committee, pursuant to article seventy-eight of the civil practice law and rules.

5. Nothing contained in this section shall be construed as precluding any public authority or public benefit corporation from exercising any authority or power now or hereafter existing to require any of its members, directors, officers or employees to file financial disclosure statements with such public authority or public benefit corporation that are the same as, different from or supplemental to any of the requirements contained herein and to provide only for internal

employment discipline for any violation arising out of such internal filing.

POL §74

Sec. 74. Code of ethics. 1. Definition. As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the state finance law or their successors.

The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

2. Rule with respect to conflicts of interest. No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

3. Standards.

a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.

b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

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

g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

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 is likely to be engaged in acts that are in violation of his trust.

i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty 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. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

**RESTATEMENT OF
PUBLIC OFFICERS LAW § 74
CODE OF ETHICS
APPLICABLE TO AGENCY EMPLOYEES**

1. Rule with Respect to Conflicts of Interest. No Employees should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest. (as used herein, "Employee" of "Employees" shall refer to all employees and Officers of the Agency, including all part-time, seasonal, employees on leave, and temporary employees hired directly by the Agency.)

2. Standards.
 - a. No Employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.

 - b. No Employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

 - c. No Employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

 - d. No Employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

 - e. No Employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

 - f. An Employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

 - g. An Employee should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the

public interest and his private interest.

- h. An Employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
 - i. No Employee nor any firm or association of which such Employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such Employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.
 - j. If any Employee shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the Secretary of State a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.
3. Violations. In addition to any penalty contained in any other provision of law any such employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.