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VIA FAX

August 29, 2008

John Feerick, Chair
Herbert Teitelbaum, Executive Director
New York State Commission on Public Integrity
540 Broadway
Albany, New York 12207

Gentlemen:

As civic groups that closely monitor and comment on lobbying, ethics, and government reform in New York State, we are writing to express concern over the emergency regulation that took effect in June regarding holding closed sessions for adjudicatory proceedings for lobbying violations, and your proposal to extend the emergency ruling at your meeting next Tuesday. We urge you to not extend this emergency regulation and to discontinue any efforts to make this rule change permanent.

We question whether your goal to align the handling of lobbying investigations with ethics investigations, as you suggest in the notice published in the New York State Register, is truly in the best public interest. A far better alignment would be to work to open up proceedings of ethics investigations.

This proposal runs counter to the spirit of open government and the tradition of conducting these proceedings in public. Your claim that the holding of Executive Sessions is necessary to “afford all parties due process protection” is questionable given the Lobbying Commission’s history of discussing such investigations in public. We urge you to continue this laudable tradition of openness and transparency, as best befits a Commission on Public Integrity. Additionally, we note that the Legislature in crafting the Public Employees Ethics Reform Act of 2007 declined to exempt lobbying investigations from being conducted in public, as it explicitly did with respect to alleged ethics violations. The Commission should not take a step the Legislature clearly chose not to take.

Furthermore, we do not believe that an emergency ruling was an appropriate means of making this change initially. Extending this emergency ruling next Tuesday further denies the public the opportunity to formally comment on this important matter.

We also are troubled that the notification of your intent to extend this emergency ruling was sent with short notice on the Friday before a long holiday weekend that falls between the national party conventions when many who follow government closely are distracted. The public would certainly be better served by more adequate advanced notice of important rules changes such as this one.

In summation, we urge you to not extend this emergency ruling next Tuesday, and to discontinue any efforts to make this rule change permanent.

Sincerely,

Dick Dadey, Executive Director
Citizens Union

Susan Lerner, Executive Director
Common Cause/NY

Barbara Bartoletti, Legislative Director
League of Women Voters, N.Y.S.

Russ Haven, Legislative Counsel
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