



New York State Joint Commission on Public Ethics
 540 Broadway Plaza
 Albany, New York 12207
 www.jcope.ny.gov
 518-408-3976

SWORN COMPLAINT

The Joint Commission on Public Ethics has jurisdiction to investigate potential violations of Public Officers Law §73, §73-a, §74, Civil Service Law §107 and Legislative Law article 1-A as they apply to state legislators, candidates for the Legislature and legislative employees, as well as the four statewide elected officials, candidates for those offices, executive branch state employees, certain political party chairs, and lobbyists and their clients.

COMPLAINANT NAME Maureen Koetz
 ADDRESS 355 South End Ave., Apt. 30J
 CITY, STATE, ZIP New York, New York 10280
 TELEPHONE (202) 509-0149
 EMAIL koetz@koetz2014.com

Please provide a statement or description of the alleged violation of Public Officers Law §73, §73-a, §74, Civil Service Law §107 or Legislative Law article 1-A including facts constituting a violation of the law(s) above, the identity of the individual(s) at issue and, if possible, a date, time, place of the alleged violation. Also note any documents or exhibits you are including to support the allegations.

See Sworn Complaint, attached

Has this matter been referred to any other agency?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, which agency?	<input type="text"/>	
Is there a pending legal action you are aware of?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, where?	<input type="text"/>	

I, Maureen Koetz, being duly sworn, have read the foregoing complaint in its entirety, including any additional pages, and to the best of my knowledge, or based on information and belief, believe it to be true. I also understand the intentional submission of false information may constitute a crime punishable by fine or imprisonment, or both.

Sworn to before me this _____ day of _____
 _____, 20____
 MONTH

 SIGNATURE

 NOTARY PUBLIC

COMPLAINT AND REQUEST FOR INVESTIGATION
OF
SHELDON SILVER, SPEAKER OF THE NEW YORK STATE ASSEMBLY

MAUREEN KOETZ, being duly sworn deposes and says upon information and belief as follows:

1. Introduction.

This complaint requests an investigation of potential ethical violations by Sheldon Silver, Speaker of the New York State Assembly (“Mr. Silver” or “Speaker”) by the New York State Joint Commission on Public Ethics (“JCOPE”). Essentially, your deponent raises issues and requests inquiry into (i) income derived by Mr. Silver as disclosed on his 2013 Annual Statement of Financial Disclosure¹ (ii) relationship and connection with the Metropolitan Council on Jewish Poverty, Inc. and its CEO, William Rapfogel, who has recently pled guilty of felony charges due to the wrongful diversion of charitable funds, (iii) his relationship and activity with Vito Lopez, former Assemblyman, and (iv) allegations viewed together, which taken in their totality raise questions about an ongoing pattern of violations of ethical rules. This complaint asserts violations of Public Officer Law §74, *et seq.*

With respect to the Speaker’s relationship with Weitz & Luxenberg (“The Firm”), this request follows up the investigation of the Moreland Commission appointed by Governor Andrew Cuomo, as it seeks clarification of substantial income received by Mr. Silver. While many of the allegations set forth in the statement have been widely reported, to the best of my knowledge, there has been no investigative body that has reviewed the facts and circumstances of each matter as it may relate to another. A comprehensive review of these matters should be undertaken for the benefit of the public trust.

¹ 2013 Financial Disclosure Statement of Sheldon Silver filed May 15, 104 (see Schedule 1)

2. Income derived from Weitz & Luxenberg, P.C. and Counsel Financial.

A. *Weitz & Luxenberg Income*

According to Mr. Silver's Annual Statement of Financial Disclosure, he reports that he is "Of Counsel" with the Firm, and performs a "general practice of law with emphasis on representation of individual clients and personal injury actions and "of counsel" to the firm (see pages 7 and 8 of Annual Statement of Financial Disclosure ("Financial Disclosure"), Schedule 1). The Speaker reports income from his law practice ranging from \$650,000 to \$750,000, "including of Counsel of W & L" (see addendum to Financial Disclosure, marked 8A).

Weitz & Luxenberg, P.C. is a plaintiff's personal injury and mass tort law firm, reporting over three billion (\$3,000,000,000.00) dollars in monetary recovery for its clients in New York State.²

The Moreland Commission served a subpoena on Weitz & Luxenberg, P.C. seeking documents and information about the identity of the clients served by the Speaker, the amount of compensation and other information.³ The Firm wrote a letter⁴ objecting to the subpoena and then filed a petition to quash the subpoena in New York State Supreme Court.⁵ The Moreland Commission responded to the Firm's letter.⁶ The parties discontinued the action due to the fact that Moreland Commission was disbanded.⁷ In furtherance of the Moreland's Commission's efforts, it appears vital to understand the (a) identity of the clients served by Mr. Silver, and (b) the categories of work that he was compensated for.

Mr. Silver's association with one of the most prominent and successful personal injury and mass tort law firms in New York State suggests a conflict of interest on its face, and a violation of Public Officer Law §74, because taking such a position is in "substantial conflict

² Weitz & Luxenberg Website, <http://www.weitzluxenberg.com> (Schedule 2)

³ See Moreland Commission's Subpoena (Schedule 3)

⁴ See Letter from Weitz & Luxenberg objecting to the Subpoena (Schedule 4)

⁵ See Petition of Weitz and Luxenberg to Quash Subpoena (Schedule 5)

⁶ See Letter from Moreland Commission in support of Subpoena (Schedule 6)

⁷ See Stipulation of Discontinuance of Petition to Quash Subpoena (Schedule 7)

with the proper discharge of his duty”.⁸ The Moreland Commission described this issue of conflict of interest in its Preliminary Report, dated December 2, 2013⁹, stating:

A lawyer-legislator who is a member of a firm may feel compelled to serve the interests of the firm’s clients, even if the lawyer-legislator does not personally provide services to that client, because those clients contribute to the business of the firm and thus to the ultimate compensation of the lawyer-legislator. For example, where a legislator is a member of a personal injury or malpractice firm, there is at least the appearance of competing fiduciary interests when that legislator votes against tort reform that would seriously limit awards that clients or would-be clients could recover (page 16 of Preliminary Report)

Tort reform legislation is proposed every year in the Assembly to address the enormous costs associated with litigation on business and society at large.¹⁰ The merits of tort reform are questions for the political process, but there can be no doubt that litigation reform has a significant impact on the economy. In the report, entitled “An Empire State Disaster: Why New York State’s Tort System is Broken and How to Fix It”, the author sets forth the positive economic impact if tort reform was adopted:

Lawsuit reform in New York State would create new jobs (a minimum of 86,000 jobs for a typical reform); increase output (\$17 billion) and lower prices; expand the tax base and increase tax revenues (more than \$1.04 billion each year); boost productivity and personal incomes (more than \$2,600 per year); attract new customers, employees, entrepreneurs, investors, and taxpayers (more than 395,000 people each year); lower health care costs (\$11.4 billion per year) while increasing the number of doctors (by 12 percent) and improving access to health care; save lives (more than 360 people each year); increase stock market returns (more than \$720 billion nationally); and cut insurance premiums (by 16 percent) and liability losses (by nearly 50 percent). But personal-injury lawyers don’t want New Yorkers to have these multi-billion-dollar benefits because lawsuit reform threatens their

⁸ See Public Officer Law §73 and §74 (collectively as Schedule 8)

⁹ See Moreland Commission’s Preliminary Report dated December 2, 2013 at http://publiccorruption.moreland.ny.gov/sites/default/files/moreland_report_final.pdf

¹⁰ See Memorandum from American Tort Reform dated January 2014 (Schedule 9)

exorbitant fees and privileged status (see full Report at <http://www.bcnys.org/inside/legalreform/NYSTortReport.pdf>).

The Speaker's association with the prominent tort law firm of Weitz & Luxenberg, and receipt of substantial income from that firm necessarily "impair(s) his independence of judgment in the exercise of his official duties"(Public Officer Law §74(3)(a), see Schedule 8).

B. Income from Counsel Financial

Mr. Silver's Financial Disclosure reveals that he is owed on a "Note Due 9-18-16" from Counsel Services (paragraph 18, see Schedule 1). Mr. Silver and his wife each earned between \$50,000.00 and \$75,000.00 as "Interest Income" from Counsel Services.

Counsel Services lends money to plaintiff's attorneys and appears to be owned or managed by Perry Weitz and Arthur Luxenberg, founders of Weitz & Luxenberg.

There have been news accounts of plaintiffs' attorneys passing the interest costs of the money lent by Counsel Financial to their clients at rates of eighteen (18%) percent.¹¹ This practice may constitute "champerty" or a violation of Judicial Law§ 489.

Mr. Silver's association with a lawsuit lending firm suggests a conflict of interest on its face, and a violation of Public Officer Law §74, and for similar reasons as set forth above, it is important to understand the financial connection and relationship between Mr. Silver and Counsel Financial. After all, it appears that a substantial investment would have been required to be made by the Speaker to in order to generate \$100,000.00 a year in interest. With such a substantial investment of his own money, he is "vested" in the success of the plaintiff's bar—a subjective and conflicted position with his duties as one of the most powerful elected officials in New York State.

¹¹ See NY Post Article dated August 22, 2010, entitled "Assembly Speaker Sheldon Silver's Firm Gets Cut of 9/11 Payouts" by Joseph Goldstein (Schedule 10)

3. Metropolitan New York Council on Jewish Poverty and William E. Rapfogel.

William E. Rapfogel has been recently sentenced in a plea agreement for the wrongful diversion of charitable funds from Metropolitan New York Council on Jewish Poverty, Inc. (“Met Council”) relating to an insurance skimming scheme.¹² Met Council has received hundreds of millions of dollars throughout the years in government funding. Mr. Silver has known and worked with Mr. Rapfogel for decades.¹³

It has been reported by the New York Times that:

Mr. Silver has funneled millions of public dollars to the organization (Met Council) that Mr. Rapfogel led, and he employs Mr. Rapfogel’s wife, Judy, as his chief of staff”(see Schedule 10, page2).

It is further believed that Met Council made ongoing and continuous campaign contributions to political allies of the Speaker—the connections between and among the Speaker, Met Council, William Rapfogel, Judy Rapfogel and the campaign contributions from Met Council to candidates should be examined carefully by JCOPE.

4. Relationship with Vito Lopez, former Assemblyman.

The 2013 Annual Report of New York State Joint Commission on Public Ethics summarizes the findings against former Assemblyman Vito Lopez and conclusion that he breached the public trust.¹⁴ The Report states in part:

The Commission found that Assemblymember Lopez violated the public trust, abused his public office and political power to serve his personal interests, and misappropriated state resources.

¹² See NY Times Article dated July 23, 2014, entitled, “Rapfogel Is Sentenced for Stealing From His Charity” (Schedule 11)

¹³ See NY Times Article dated March 21, 2014, entitled, “They Kept a Lower East Side Lot Vacant for Decades” (Schedule 12).

¹⁴ See 2013 Annual Report of New York State Joint Commission on Public Ethics <http://www.jcope.ny.gov/public/2014/2013%20AR%20Press%20Release.pdf>

Specifically, the commission's investigation revealed that since at least 2010, Lopez engaged in an escalating course of conduct with respect to multiple female staff members that began with demeaning comments about appearance and dress as well as demands for fawning text and email messages, increased to requirements for companionship outside the office, and culminated in attempted and forced into intimate contact.¹⁵

JCOPE's report entitled, "In the Matter of an Investigation of Assembly Member Vito Lopez", dated February 13, 2013, confirms that Assemblyman Lopez violated several provisions of Public Officer Law §74 by using "the powers and perks of his position as a member of the Assembly to engage in knowing, willful, and prolonged mistreatment of certain female members of his Assembly staff" (Report p. 62).

The report also reveals the Speaker's extraordinary efforts to settle cases asserted by sexual harassment victims against Lopez.¹⁶ The Report recounts confidential meetings that included Counsel to the Speaker, Counsel to the Majority, Deputy Counsel to the Majority and his Chief of Staff (Judy Rapfogel) to prevent complaints from going to the Assembly Ethics Committee.

Furthermore, the Report shows the process of filing the sexual harassment complaints against Lopez with the Assembly Ethics Committee was compromised and manipulated, and that Assemblyman Silver was complicit in the June 2012 secret settlement with two (2) initial complainants against Lopez, for harassment occurring in December, 2011 and January, 2012. The settlement used \$103,000 in public funds and bypassed legally required referral of the complaints to the Assembly Ethics Committee or JCOPE. Staff for both the Assembly and Attorney General Schneiderman conducting the negotiations with complainants required a non-disclosure provision be included in the settlement, and Assemblyman Lopez continued harassing

¹⁵ See Page 47 from 2013 JCOPE Report (Schedule 13)

¹⁶ See "In the Matter of an Investigation of Assembly Member Vito Lopez", (see, <http://www.jcope.ny.gov/enforcement/2013/lopez/Lopez%20Substantial%20Basis%20Investigation%20Report.pdf>)

other female staff members after the secret settlement occurred. Mr. Silver is currently being sued for “aiding and abetting” Lopez, among other allegations.¹⁷

Unfortunately, Mr. Silver should know better how to handle a sexual harassment matter, because he has helped “settle” cases for colleagues before. A top aide for Mr. Silver, Michael Boxley, was sued for sexual assault and the plaintiff settled the civil lawsuit for \$500,000. As reported by CBS news about the case, the complaint included allegations that “Silver mishandled an earlier complaint about Boxley, and tolerated a culture of sex harassment.”¹⁸

In addition, 1995, Mr. Silver arranged to pay Chairman Neary, a 33 year old woman, the sum of \$85,000 from tax payer monies to settle a sexual harassment claim against Assemblyman Mark Siegel. It was reported that “Silver was closely involved in the settlement and ‘sent out his surrogates’ to discredit Neary”.¹⁹

Mr. Silver’s actions in (a) diverting the complaints of Vito Lopez staffers regarding sexual harassment, (b) materially interfering in the due course of an investigation into sexual harassment by Assembly Housing Committee Chairman Vito Lopez, and (c) permitting use of State funds as “hush money” without due process under Assembly rules suggests violations by Mr. Silver of Public Officer Law §74. This suggests the use of his official position to secure unwarranted privileges for Vito Lopez by misappropriating resources of the State to compensate victims without proper investigation.

5. Pattern of Action by the Speaker regarding the Rapfogel and Lopez Matters.

It appears that a common thread of improper action can be gleaned from Mr. Silver’s relationships with William Rapfogel and Vito Lopez.

¹⁷ See Verified Complaint filed June 6, 2013 in US District Court, Southern District of New York, *Victoria Burhans and Chloe Rivera v. Vito Lopez and Sheldon Silver* (<http://pospislaw.com/wp-content/uploads/2013/06/Complaint-Burhans-v-Lopez-et-al-Filed.pdf>)

¹⁸ See CBS News Article dated September 4, 2012 “Assemblyman Vito Lopez Expresses Contempt for “politically Motivated Allegations” (Schedule 14)

¹⁹ See Metro Article dated September 16, 2012, “Silver’s Unspoken History of Payoffs” (Schedule 15)

As the New York Times has reported, Mr. Silver worked throughout the years with Mr. Rapfogel to prevent a certain parcel of land on the lower East side from being developed (see Schedule 12). To aid his political ally, it is believed that Mr. Silver gave certain benefits to Mr. Rapfogel over the years. Later, Mr. Silver assisted Met Council, an organization managed by Mr. Rapfogel for over twenty (20) years. Even though Mr. Silver denies any knowledge of Mr. Rapfogel's current wrongdoing, the money trail is worthwhile following.

When assisting Vito Lopez with the settlement of Mr. Lopez's sexual harassment claims, Mr. Lopez was the chairman of the housing committee, and a sponsor of important legislation to provide special tax benefits for certain real estate developers. These developers, in turn, provided campaign contributions to various politicians.²⁰ After reviewing the Mr. Lopez's outrageous conduct constituting sexual harassment, it is confounding that the Speaker would assist him in attempting to "quietly" settle the case with the victims using public funds. Logic dictates that there must have been a compelling reason to protect Mr. Lopez, and it is fair to opine that the reason was to promote the millions of dollars in tax breaks for certain real estate developers that Mr. Lopez could help deliver. Reports indicate that Sheldon Silver inserted the targeted property tax exemptions into the housing bill himself in the wake of Lopez's resignation.²¹ The pecuniary gain of the developers would, could, and likely did, result in political contributions for political allies. Mr. Silver's actions in diverting the complaints of Vito Lopez staffers regarding sexual harassment, and then adding special legislative provisions to provide property tax exemptions to generous campaign donors suggest a violation of Public Officer Law §74 by both misappropriating resources of the State (ineligible beneficiaries of legislated tax exemptions) including freedom from prosecution and continued service as Committee Chair, and by engaging a course of conduct which raised suspicion among the public that he is likely to be engaged in acts that are in violation of trust.

²⁰ See "Tax Breaks for Billionaires" (Schedule 16)

²¹ See Daily News Article dated August 18, 2013, "Assembly Speaker Sheldon Silver behind tax breaks to five luxury developers: Sources" (Schedule 17) and Daily Politics Article August 26 2013 "Assemblyman Keith Wright Sent Letter Acknowledging Developer Tax Breaks in Bill" (Schedule 18)

6. Conclusion.

It is respectfully requested that the foregoing complaint and request for investigation be reviewed and investigated by the New York State Joint Commission on Public Ethics as soon as practicable.

Dated: New York, New York
September 17, 2014

MAUREEN KOETZ

Sworn to before me on this
17th day of September, 2014

NOTARY PUBLIC

SCHEDULE 1

LEGISLATIVE ETHICS COMMISSION
STATE OF NEW YORK

MAIL: LEGISLATIVE OFFICE BUILDING-BOX 75-ALBANY, NY 12247
LOCATION: ALFRED E. SMITH STATE OFFICE BUILDING-SUITE 1431-ALBANY, NY 12247
PHONE: (518)432-7837/7838 FAX: (518)426-6850

RECEIVED

MAY 15 2014

BY KTS
LEG. ETHICS COMM.

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

For Calendar Year 2013

1. Name Sheldon Silver
2. (a) Title of Position Member of Assembly
(b) Department, Agency or other Governmental Entity _____
(c) Address of Present Office New York Assembly - L.O.B. Rm. 932, Albany, NY 12241
250 Broadway, Rm. 2301, New York, NY 10007
(d) Office Telephone Number (518)455-3791
3. (a) Marital Status Married. If married, please give spouse's full name including maiden name where applicable.
Rosa Silver (Mandelkern)
(b) List the names of all unemancipated children.
None

Answer each of the following questions completely, with respect to calendar year 2013, 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 in Table I or Table II of this subdivision as called for in the question: 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
None		

- (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
None		

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
	Attorney Weitz & Luxenberg 700 Broadway New York, NY 10003	Of Counsel	Office of Court Admin

- (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
None			

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 (In Table II)
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None

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.

Member of the Democratic National Committee

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, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, 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.

General practice of law with emphasis on representation of individual clients and personal injury actions and "of counsel" to law firm.

(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE: If the reporting individual personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), then identify each client or customer to whom the

reporting individual personally provided services, or who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm earned fees in excess of \$10,000 during the reporting period for such services rendered in direct connection with:

- (i) A proposed bill or resolution in the senate or assembly during the reporting period;
- (ii) A contract in an amount totaling \$50,000 or more from the state or any state agency for services, materials, or property;
- (iii) A grant of \$25,000 or more from the state or any state agency during the reporting period;
- (iv) A grant obtained through a legislative initiative during the reporting period; or
- (v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or knowingly solicit or direct to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in subparagraphs (i) through (v) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law. Only a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Nature of Services Provided
None	

(c) 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.

None

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 (In Table I)
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Self	American Israel Friendship League	134 E. 39th St. New York, NY 10016	Meals correlating to Item 10	"B"
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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
American Israel Friendship League	Fact-finding and solidarity mission to Israel - meetings with government and NGO officials

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*
(In Table II)

Keogh: Retirement Plans:	
Hugh Johnson Fidelity (Sheldon Silver)	O
Emigrant Savings Bank (Rosa Silver)	E
Emigrant Savings Bank (Sheldon Silver)	D
New York State Deferred Comp Plan	K

* 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).

None

(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.)

None

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 (In Table I)
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Item 13-Continued Please see attached sheet (8-A)

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 (In Table I)
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None

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 or Transferred	Assigned or Transferred to	Category of Value (In Table I)
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None

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.

Self/ Spouse	Issuing Entity	Type of Security	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 (In Table II)
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****ITEM 16-Continued, Please see attached sheets (9-A & 9B)**

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 (In Table II)
None						

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 (In Table II)
Counsel Financial	Note Due 9-18-16	K
Allen & Sara Katz	Interest Free Loan 5-6-23	F

19. List below all liabilities of the reporting individual and such individual's spouse, in EXCESS of \$10,000 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 (In Table II)
<u>None</u>		

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)

May 13, 2013
Date (month/day/year)

[CATEGORY OF INCOME TABLES]

TABLE I

Category A	none
Category B	\$ 1 to under \$ 1,000
Category C	\$ 1,000 to under \$ 5,000
Category D	\$ 5,000 to under \$ 20,000
Category E	\$ 20,000 to under \$ 50,000
Category F	\$ 50,000 to under \$ 75,000
Category G	\$ 75,000 to under \$ 100,000
Category H	\$ 100,000 to under \$ 150,000
Category I	\$ 150,000 to under \$ 250,000
Category J	\$ 250,000 to under \$ 350,000
Category K	\$ 350,000 to under \$ 450,000
Category L	\$ 450,000 to under \$ 550,000
Category M	\$ 550,000 to under \$ 650,000
Category N	\$ 650,000 to under \$ 750,000
Category O	\$ 750,000 to under \$ 850,000
Category P	\$ 850,000 to under \$ 950,000
Category Q	\$ 950,000 to under \$1,050,000
Category R	\$1,050,000 to under \$1,150,000
Category S	\$1,150,000 to under \$1,250,000
Category T	\$1,250,000 to under \$1,350,000
Category U	\$1,350,000 to under \$1,450,000
Category V	\$1,450,000 to under \$1,550,000
Category W	\$1,550,000 to under \$1,650,000

Category X	\$1,650,000 to under \$1,750,000
Category Y	\$1,750,000 to under \$1,850,000
Category Z	\$1,850,000 to under \$1,950,000
Category AA	\$1,950,000 to under \$2,050,000
Category BB	\$2,050,000 to under \$2,150,000
Category CC	\$2,150,000 to under \$2,250,000
Category DD	\$2,250,000 to under \$2,350,000
Category EE	\$2,350,000 to under \$2,450,000
Category FF	\$2,450,000 to under \$2,550,000
Category GG	\$2,550,000 to under \$2,650,000
Category HH	\$2,650,000 to under \$2,750,000
Category II	\$2,750,000 to under \$2,850,000
Category JJ	\$2,850,000 to under \$2,950,000
Category KK	\$2,950,000 to under \$3,050,000
Category LL	\$3,050,000 to under \$3,150,000
Category MM	\$3,150,000 to under \$3,250,000
Category NN	\$3,250,000 to under \$3,350,000
Category OO	\$3,350,000 to under \$3,450,000
Category PP	\$3,450,000 to under \$3,550,000
Category QQ	\$3,550,000 to under \$3,650,000
Category RR	\$3,650,000 to under \$3,750,000
Category SS	\$3,750,000 to under \$3,850,000
Category TT	\$3,850,000 to under \$3,950,000
Category UU	\$3,950,000 to under \$4,050,000
Category VV	\$4,050,000 to under \$4,150,000
Category WW	\$4,150,000 to under \$4,250,000
Category XX	\$4,250,000 to under \$4,350,000
Category YY	\$4,350,000 to under \$4,450,000
Category ZZ	\$4,450,000 to under \$4,550,000
Category AAA	\$4,550,000 to under \$4,650,000
Category BBB	\$4,650,000 to under \$4,750,000
Category CCC	\$4,750,000 to under \$4,850,000
Category DDD	\$4,850,000 to under \$4,950,000
Category EEE	\$4,950,000 to under \$5,050,000
Category FFF	\$5,050,000 to under \$5,150,000
Category GGG	\$5,150,000 to under \$5,250,000
Category HHH	\$5,250,000 to under \$5,350,000
Category III	\$5,350,000 to under \$5,450,000
Category JJJ	\$5,450,000 to under \$5,550,000
Category KKK	\$5,550,000 to under \$5,650,000
Category LLL	\$5,650,000 to under \$5,750,000
Category MMM	\$5,750,000 to under \$5,850,000
Category NNN	\$5,850,000 to under \$5,950,000
Category OOO	\$5,950,000 to under \$6,050,000
Category PPP	\$6,050,000 to under \$6,150,000
Category QQQ	\$6,150,000 to under \$6,250,000
Category RRR	\$6,250,000 to under \$6,350,000
Category SSS	\$6,350,000 to under \$6,450,000
Category TTT	\$6,450,000 to under \$6,550,000
Category UUU	\$6,550,000 to under \$6,650,000
Category VVV	\$6,650,000 to under \$6,750,000
Category WWW	\$6,750,000 to under \$6,850,000
Category XXX	\$6,850,000 to under \$6,950,000
Category YYY	\$6,950,000 to under \$7,050,000
Category ZZZ	\$7,050,000 to under \$7,150,000
Category AAAA	\$7,150,000 to under \$7,250,000
Category BBBB	\$7,250,000 to under \$7,350,000

Category CCCC	\$7,350,000 to under \$7,450,000
Category DDDD	\$7,450,000 to under \$7,550,000
Category EEEE	\$7,550,000 to under \$7,650,000
Category FFFF	\$7,650,000 to under \$7,750,000
Category GGGG	\$7,750,000 to under \$7,850,000
Category HHHH	\$7,850,000 to under \$7,950,000
Category IIII	\$7,950,000 to under \$8,050,000
Category JJJJ	\$8,050,000 to under \$8,150,000
Category KKKK	\$8,150,000 to under \$8,250,000
Category LLLL	\$8,250,000 to under \$8,350,000
Category MMMM	\$8,350,000 to under \$8,450,000
Category NNNN	\$8,450,000 to under \$8,550,000
Category OOOO	\$8,550,000 to under \$8,650,000
Category PPPP	\$8,650,000 to under \$8,750,000
Category QQQQ	\$8,750,000 to under \$8,850,000
Category RRRR	\$8,850,000 to under \$8,950,000
Category SSSS	\$8,950,000 to under \$9,050,000
Category TTTT	\$9,050,000 to under \$9,150,000
Category UUUU	\$9,150,000 to under \$9,250,000
Category VVVV	\$9,250,000 to under \$9,350,000
Category WWWW	\$9,350,000 to under \$9,450,000
Category XXXX	\$9,450,000 to under \$9,550,000
Category YYY	\$9,550,000 to under \$9,650,000
Category ZZZZ	\$9,650,000 to under \$9,750,000
Category AAAAA	\$9,750,000 to under \$9,850,000
Category BBBBB	\$9,850,000 to under \$9,950,000
Category CCCCC	\$9,950,000 to under \$10,000,000
Category DDDDD	\$10,000,000 or over

TABLE II

Category A	none
Category B	\$ 1 to under \$ 1,000
Category C	\$ 1,000 to under \$ 5,000
Category D	\$ 5,000 to under \$ 20,000
Category E	\$ 20,000 to under \$ 50,000
Category F	\$ 50,000 to under \$ 75,000
Category G	\$ 75,000 to under \$ 100,000
Category H	\$ 100,000 to under \$ 150,000
Category I	\$ 150,000 to under \$ 250,000
Category J	\$ 250,000 to under \$ 500,000
Category K	\$ 500,000 to under \$ 750,000
Category L	\$ 750,000 to under \$1,000,000
Category M	\$1,000,000 to under \$1,250,000
Category N	\$1,250,000 to under \$1,500,000
Category O	\$1,500,000 to under \$1,750,000
Category P	\$1,750,000 to under \$2,000,000
Category Q	\$2,000,000 to under \$2,250,000
Category R	\$2,250,000 to under \$2,500,000
Category S	\$2,500,000 to under \$2,750,000
Category T	\$2,750,000 to under \$3,000,000
Category U	\$3,000,000 to under \$3,250,000
Category V	\$3,250,000 to under \$3,500,000
Category W	\$3,500,000 to under \$3,750,000
Category X	\$3,750,000 to under \$4,000,000
Category Y	\$4,000,000 to under \$4,250,000

Category Z	\$4,250,000	to under	\$4,500,000
Category AA	\$4,500,000	to under	\$4,750,000
Category BB	\$4,750,000	to under	\$5,000,000
Category CC	\$5,000,000	to under	\$5,250,000
Category DD	\$5,250,000	to under	\$5,500,000
Category EE	\$5,500,000	to under	\$5,750,000
Category FF	\$5,750,000	to under	\$6,000,000
Category GG	\$6,000,000	to under	\$6,250,000
Category HH	\$6,250,000	to under	\$6,500,000
Category II	\$6,500,000	to under	\$6,750,000
Category JJ	\$6,750,000	to under	\$7,000,000
Category KK	\$7,000,000	to under	\$7,250,000
Category LL	\$7,250,000	to under	\$7,500,000
Category MM	\$7,500,000	to under	\$7,750,000
Category NN	\$7,750,000	to under	\$8,000,000
Category OO	\$8,000,000	to under	\$8,250,000
Category PP	\$8,250,000	to under	\$8,500,000
Category QQ	\$8,500,000	to under	\$8,750,000
Category RR	\$8,750,000	to under	\$9,000,000
Category SS	\$9,000,000	to under	\$9,250,000
Category TT	\$9,250,000	to under	\$9,500,000
Category UU	\$9,500,000	or over	

ITEM 13**			
Continued			
			Category of Amount
Self/Spouse	Source	Nature	(In Table 1)
Self	Law Practice	Including of Counsel of W&L	N
Self	Counsel Financial Services	Interest Income	F
Spouse	Counsel Financial Services	Interest Income	F
Self	Dreyfus NY Tax Exempt Bond Fund	Dividends	C
Self	Fidelity Investments	Dividends	D
Self	Morgan Stanley	Dividends	C
Joint	Morgan Stanley	Dividends	D
Self	Coach, Inc.	Sale of Stock	C
Self	EnSCO PLC Com	Sale of Stock	C
Self	Sector SPDR TR SHS BEN INT UTIL	Sale of Stock	C
Self	Clover Communities Funds	Income	E
8A			

ITEM 16**				
Continued				
			Percentage of Corporate stock owned or controlled (if more than 5% of publicly traded stock, or more than 10% of 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 (in Table II)
Self/Spouse	Issuing Entity	Type of Security		
Joint	AOL Inc	Stock	N/A	C
Joint	Cisco SYS INC (CSCO)	Stock	N/A	F
Joint	CITIGROUP INC NEW @	Stock	N/A	D
Joint	Corning Inc (GLW)	Stock	N/A	D
Joint	CVD Equipment (CW)	Stock	N/A	D
Joint	Daxor Corporation (DXR)	Stock	N/A	C
Joint	EMC Corp Mass (EMC)	Stock	N/A	F
Joint	Fonar Corp (FONR)	Stock	N/A	C
Joint	Ice Group Inc CGM (ICGE)	Stock	N/A	D
Joint	Marathon Oil Co (MRO)	Stock	N/A	D
Joint	Marathon Petroleum Corp (MPC)	Stock	N/A	D
Joint	Monsanto CO/ NEW (MON)	Stock	N/A	E
Joint	Oracle Corp (ORCL)	Stock	N/A	E
Joint	Pfizer Inc (PFE)	Stock	N/A	E
Joint	Sonus Netwks Inc (SONS)	Stock	N/A	D
Joint	TEVA Pharmaceuticals ADR (TEVA)	Stock	N/A	D
Joint	Time Warner Cable Inc NEW (TWC)	Stock	N/A	D
Joint	Time Warner Cable Inc NEW (TWX)	Stock	N/A	E
Joint	Titan Pharmaceuticals (TTNP)	Stock	N/A	C
Joint	VISHAY Intertechnology Inc (VSH)	Stock	N/A	D
Joint	VISHAY Intertechnology Inc (VPG)	Stock	N/A	C
Self	SeaDrill LTD	Stock	N/A	E
Self	Petroleo BRAS SA ADS	Stock	N/A	E
Self	Bank of America Corp	Stock	N/A	E
Self	Facebook Inc	Stock	N/A	G
Self	First Trust Amex Biotech	Stock	N/A	E
Self	Zynga Inc.	Stock	N/A	F
Self	Fusion-ID Inc	Stock	N/A	D
Self	Synacor	Stock	N/A	C
Self	Alpha Orbit	Stock	N/A	E
Self	Clover Communications Fund I	Stock	N/A	E
Self	Clover Communications Fund I	Stock	N/A	E
Self	Clover Communications Fund II	Stock	N/A	G
Self	Clover Communications Fund III	Stock	N/A	D
Self	Clover-Brighton Square	Stock	N/A	F
Self	Lerer Ventures II	Stock	N/A	E
Self	New Sat	Stock	N/A	F
Self	Dreyfus New York Tx Exempt Bond Fund	Stock	N/A	H
		9A		

ITEM 16**				
Continued				
			Percentage of	Category of
			Corporate stock	Market Value
			owned or controlled	as of the
			(if more than 5%	close of the
			of publicly traded	taxable year
			stock, or more	last occurring prior
			than 10% of stock	to the filing of this
			not publicly traded	statement
			is held)	((in Table II)
Self/Spouse	Issuing Entity	Type of Security		
Self	Anheuser-Busch In Bev SA NV Sp ADR	Stock	N/A	D
Self	DirecTV	Stock	N/A	D
Self	Disney Walt Co Disney	Stock	N/A	E
Self	Extended Stay America, Inc. 1 1 Cl. B	Stock	N/A	C
Self	Hasbro, Inc.	Stock	N/A	D
Self	Johnson Controls Inc.	Stock	N/A	D
Self	Church & Dwight, Inc.	Stock	N/A	D
Self	Colgate & Palmolive Co.	Stock	N/A	D
Self	Conoco Phillips	Stock	N/A	D
Self	Exxon Mobil Corp.	Stock	N/A	D
Self	Halliburton Co	Stock	N/A	D
Self	American Express Co	Stock	N/A	D
Self	Fifth Third Bancorp	Stock	N/A	D
Self	First Republic Bank San Fran Call New	Stock	N/A	D
Self	Frankling Resources, Inc.	Stock	N/A	D
Self	JP Morgan Chase & Co.	Stock	N/A	D
Self	Travelers Companies Inc.	Stock	N/A	D
Self	Abbot Laboratories	Stock	N/A	D
Self	Abbvie Inc	Stock	N/A	D
Self	Baxter Intl Inc	Stock	N/A	D
Self	Merck & Co Inc	Stock	N/A	D
Self	Mylan Inc	Stock	N/A	D
Self	Pfizer Inc	Stock	N/A	D
Self	General Electric Co.	Stock	N/A	D
Self	Union Pacific Corp	Stock	N/A	D
Self	United Technologies Corp	Stock	N/A	D
Self	Check Point Software Tech Ltd	Stock	N/A	D
Self	International Business Machines	Stock	N/A	D
Self	Mavenir Systems Inc	Stock	N/A	C
Self	Oracle Corp	Stock	N/A	D
Self	Texas Instruments, Inc	Stock	N/A	D
Self	Yandex NV Class A	Stock	N/A	C
Self	Verizon Communications Inc	Stock	N/A	D
Self	iShares Tr S&P Small Cap 600	Stock	N/A	D
Self	Select Sector SPDR Tr SBI Materials	Stock	N/A	D
Self	Select Sector SPDR Tr SBI Utilities	Stock	N/A	D
Self	SPDR S&P Mid Cap 400 ETF Tr	Stock	N/A	E
Self	Vanguard Index Funds Stock Mkt ETF	Stock	N/A	E
Self	Arc Logistics Partners LP UT Rep Lpn	Stock	N/A	C
Self	Avianca Holdings SA Sp ADR	Stock	N/A	C
Self	Fidelity Conserv Inc Inst	Stock	N/A	E

SCHEDULE 2

WEITZ & LUXENBERG P.C.

(800) 476-6070

View our practice areas

MESOTHELIOMA

LUNG CANCER

ASBESTOS EXPOSURE

DEFECTIVE DRUGS

MEDICAL DEVICE INJURIES

ENVIRONMENTAL POLLUTION

CONSUMER PROTECTION

PERSONAL INJURY

MEDICAL MALPRACTICE

VIEW ALL

Tell us your problem

We Work for You



Weitz & Luxenberg has been fighting for our clients' rights for more than 25 years. Our practice focuses on mesothelioma and asbestos exposure, defective drugs and medical devices, personal injury and medical

malpractice, environmental pollution and consumer protection.

Recent W&L Results

\$25 Million

(/firm-news/firm-news-2014/25-million-to-2-ny-mesothelioma-victims/)

Two men sought help after getting cancer due to asbestos-tainted products. Crane Co., the product manufacturer, acted recklessly and with conscious disregard for safety. W&L is relentless in ensuring that innocent victims are not brushed aside.

\$11 Million

(/firm-news/firm-news-2014/ford-ordered-to-pay-11-million-to-mesothelioma-victim/)

Ford was found 49% liable for the death of a retired automobile mechanic. The jury determined that Ford had acted with reckless disregard for the safety of others.

Firm News

Greenwald Picked as Liaison Counsel for GM Recall Lawsuits (/firm-news/firm-news-2014/greenwald-picked-as-liaison-counsel-for-gm-recall-lawsuits-/))

22 August, 2014
Robin L. Greenwald will serve as liaison counsel on the multidistrict-litigation court lawsuits against automotive giant General Motors. She is the point of contact between the federal MDL court of the Southern District of N.Y. and the plaintiffs' counsel. GM is the target of lawsuits due to deaths, injuries and property damages arising from defective ignition switches in recalled cars.

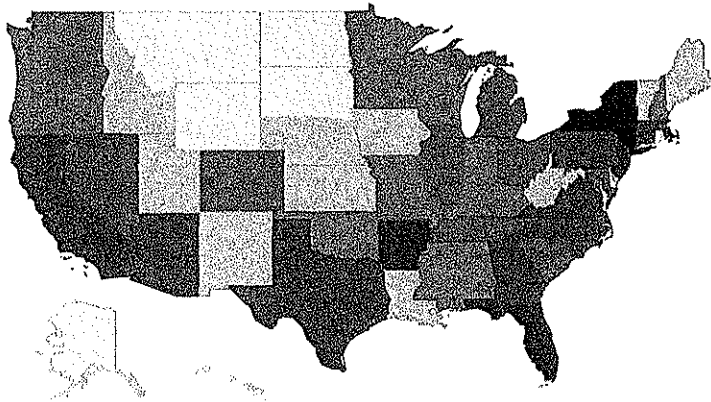
\$25 Million to 2 N.Y. Mesothelioma Victims (/firm-news/firm-news-2014/25-million-to-2-ny-mesothelioma-victims/)

17 June, 2014
Testimony elicited by W&L attorneys has persuaded a New York jury to award \$25 million to two asbestos victims. Two men came to the firm seeking help after developing cancer caused by asbestos-tainted products. The manufacturer of the products, Crane Co., was held to have acted recklessly and with conscious disregard for safety.

Infant Death-Risk Sparks Dental Implant Recall (/firm-news/firm-news-2014/infant-death-risk-sparks-dental-implant-recall/)

4 September, 2014
Weitz & Luxenberg today opened an investigation into a dental implant suspected of putting infants at risk of respiratory arrest and death.

- \$2.5 BILLION IN DEPUY HIP SETTLEMENT
- JUSTICE FOR WOMEN HARMED BY POWER MORCELLATORS
- \$9 BILLION AWARDED IN ACTOS BLADDER CANCER CASE
- 20 W&L ATTORNEYS HONORED BY SUPER LAWYERS MAGAZINE



Distribution of verdicts and settlements by state

>3B	> 3B
3B	300M < 3B
300M	100M < 300M
100M	50M < 100M
50M	25M < 50M
25M	10M < 25M
10M	>10M

SCHEDULE 3

SUBPOENA DUCES TECUM

TO: WEITZ & LUXENBERG, P.C.
700 Broadway
New York, NY 10003

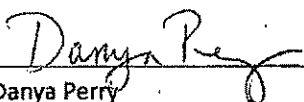
Pursuant to Executive Law Sections 6, 63(8), and 63(12), State Finance Law §§ 187, et seq. and N.Y.C.R.R. tit. 13, § 400.2, Civil Practice Law and Rules Article 23, and Executive Order 106, **WEITZ & LUXENBERG, P.C., IS HEREBY COMMANDED**, by the Commission to Investigate Public Corruption, established by Governor Andrew M. Cuomo, on July 2, 2013, by and through its Co-Chairpersons, Deputy Attorneys General William Fitzpatrick, Kathleen Rice, and Milton Williams, Jr., to deliver and turn over all documents and information requested or identified in the attached Schedule, in accordance with the instructions and definitions therein. Your response to this Subpoena, including the requested documents, may be submitted by mail provided the documents are received on a rolling basis, to be completed on or before **October 29, 2013**, or any agreed upon adjourned date, at the Offices of the Commission to Investigate Public Corruption, 90 Church Street, 15th Floor, New York, NY 10007, Attention: Danya Perry, Deputy Attorney General and Chief of Investigations. Questions concerning this subpoena should be directed to (212) 417-6209.

PLEASE TAKE NOTICE that the Co-Chairpersons of the Commission to Investigate Public Corruption deem the documents and information requested by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest, pursuant to Executive Law Sections 6 and 63(8) and as set forth in Executive Order 106, dated July 2, 2013, attached hereto. A general statement of the subject of the investigation is specified in Paragraph II of Executive Order 106.

PLEASE TAKE FURTHER NOTICE that your failure to deliver the documents and information requested on the attached Schedule on or before the date and at the place stated above, or on any agreed upon adjourned date, may subject you to prosecution or other lawful punishment.

PLEASE TAKE FURTHER NOTICE that, in accordance with the provisions of Civil Rights Law Section 73, you are hereby personally served with a copy of said Section, attached hereto.

WITNESS, the Honorable William Fitzpatrick, the Honorable Kathleen Rice, and Milton Williams, Jr., Deputy Attorneys General and Co-Chairpersons of the Commission to Investigate Public Corruption, this 15th day of October, 2013.

By: 
Danya Perry

Deputy Attorney General/Chief of Investigations
Commission to Investigate Public Corruption

SCHEDULE TO WEITZ & LUXENBERG, P.C. SUBPOENA

A. Definitions

1. "Weitz & Luxenberg" means Weitz & Luxenberg, P.C., and all its principals, executives, representatives, agents, affiliates, present or former parents, subsidiaries, related entities, directors, officers, chairs, partners, principals, owners, supervisors, employees, agents, representatives, contractors, attorneys or other persons acting on its behalf, its respective predecessors or successors or any of the affiliates of the foregoing.
2. "Communication" is used herein in the broadest sense of the term and means any conversation, discussion, letter, email, telephone record, report, log entry, audio recording, memorandum, meeting, note or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and includes any Document that abstracts, digests, transcribes, records or reflects any of the foregoing.
3. "Document(s)" is used herein in the broadest sense of the term and means each and every writing of whatever nature, whether an original, a draft, or a copy, however produced or reproduced, and each and every tangible thing from which information can be processed or transcribed, such as tape or other electronic data communications. The term includes, but is not limited to, letters, e-mails, voicemail, memoranda, notes, instructions, reports, analyses, telegrams, facsimiles, diaries, calendars, studies, logs, journals, books, notebooks, plans, records, forms, charts, graphs, audio, visual and digital recordings, photographs (positive prints and negatives), slides, work-sheets, customer checks, credit card charge slips, expense reports, computation sheets, computer printouts and programs, tapes, videotapes, diskettes and CD-ROMs, USB flash drives, microfilm, microfiche, any marginal comments appearing on any Document, and copies of Documents which are not identical duplications of the originals (e.g., because handwritten or blind copy notes appear thereon or are attached thereto). A draft or non-identical copy is a separate Document within the meaning of this term.
4. The terms "concerning," "relating to," or "involving" are used herein in the broadest sense of those terms and mean referring to, referencing, describing, evidencing or constituting.
5. The terms "any" and "all" should each be construed as "any and all."
6. The term "including" should be construed as "including but not limited to."
7. The connectives "and" and "or" should be construed either disjunctively or conjunctively as necessary to bring within the scope of the Document request all responses and production of Documents that might otherwise be construed to be outside of its scope.
8. The use of the singular form of any word includes the plural and vice versa.

B. Instructions

1. Each page produced should be marked in the lower right corner with a two or three letter abbreviation of the producing entity's name, followed by an identifying consecutive Document control number. All Documents that are physically attached to each other in the files should be left so attached.
2. Each Document should be produced in its original file folder, file jacket or cover (you may, in the alternative, designate in writing the titles of such folder, jacket or cover with respect to each such Document) along with the identity of the individual from whose files the Document is being produced or, if it is not in an individual's file, the department or area where the Document was retained. In the event there is a titled folder that contains no Document, a copy of said empty folder showing its title should be provided.
3. You should identify the number of the request to which each Document purports to be responsive. If there are no Documents responsive to any particular request, you should so state in writing.
4. If any Document requested herein was formerly in your possession, custody or control and has been lost or destroyed, you should submit a written statement that: (a) describes in detail the nature of the Document and its contents; (b) identifies the person who prepared the Document and its contents; (c) identifies all persons who have seen or had possession of the Document; (d) specifies the dates on which the Document was prepared, transmitted or received; (e) specifies the date on which the Document was lost or destroyed, the conditions of and reasons for such destruction and the persons requesting and performing the destruction; and (f) identifies all persons with knowledge of any portion of the contents of the Document.
5. In producing Documents or checks, both the front and back of each Document or check should be produced.
6. The obligation to produce pursuant to this Subpoena is a continuing one. Documents located at any time, including after a response is due, should be promptly produced at the place specified for production, above.
7. If any Document requested is withheld on ground of privilege or other legal doctrine, then you should submit, with the Documents produced, a statement in writing under oath, stating: (a) the type of the Document; (b) the date of the Document; (c) the author and recipient of the Document; (d) the general subject matter of the Document; and (e) the legal ground for withholding the Document.
8. Documents that are not being withheld on the grounds of privilege shall be produced in unredacted form.
9. You should identify the persons involved in preparing each response to this Subpoena, by Document control number, and submit a copy of all instructions prepared by you relating to the steps taken to respond to this Subpoena. Where oral instructions were given, you should provide a written statement under oath from the person who gave such instructions, detailing the content of the instructions and the person(s) to whom the instructions were given.

10. In order for your response to this Subpoena to be complete, the attached statement under oath entitled "Verification" must be completed and executed by you and submitted with the responsive Documents.
11. Unless otherwise specified and agreed to by Commission staff, responsive Documents are to be produced in electronic, native file format and also converted into Concordance loadable files in accordance with these instructions:
- a) The production of all Documents must be compatible with Concordance version 10.16 or later.
 - b) The Concordance load file shall contain a hyperlink field that points to each produced native file.
 - c) The Concordance load file shall also include all extracted metadata and bibliographical data in text delimited format (.DAT file).
 - d) The .DAT file must include field headers. Note: Once metadata fields have been established, the field names and field order should be maintained throughout the course of production, unless they are being changed to solve a problem.
 - e) The production must include searchable text for each Document. The searchable text shall be extracted directly from the electronic Document when an electronic Document is available or OCRd when the Document(s) exists only in paper form.
 - f) The text shall be produced as either the last field in the concordance .DAT file or as separate Document based text (.TXT) files.
 - g) If the searchable text is being produced as .TXT files, it shall be named based on its associated Document control number.
 - h) The production shall include single page, Tagged Image File Format (TIFF, black and white, Fax IV compressed, 300x 300dpi) image files. The image files shall have Document control numbers, and the files shall be named based on their associated Document control number.
 - i) The production shall also include an Opticon (.opt) image base file that can be imported using Concordance Native Viewer version 1.03 or later. This file shall have one record for each image file. The image base shall be produced in sequential order with appropriate Document break information.
 - j) Unless otherwise indicated, Documents are to be produced on or by computer CD/DVD media, hard drive, or FTP protocol.
 - k) Provide contact information for the persons(s) creating the Concordance files.
12. Each cover letter accompanying a production shall include an index that provides: (a) a description of the types of Documents, their contents and the corresponding Document control number(s); and (b) the Subpoena request(s) to which the Documents are responsive. You should indicate if a

Document is responsive to more than one request. If there are no Documents responsive to any particular request, you should so state in writing.

C. Materials To Be Produced

For the period January 1, 2010, to present, provide the following:

1. Documents and Communications relating to: (1) professional services provided by New York Assembly Speaker Sheldon Silver; and (2) compensation provided by or through Weitz & Luxenberg to Assembly Speaker Sheldon Silver, including:
 - a. any contract, agreement, appointment or offer letter, letterhead, business card, attorney profile (electronic or otherwise) and any Document, including correspondence, describing Assembly Speaker Sheldon Silver's position within Weitz & Luxenberg;
 - b. records showing compensation, including in-kind benefits (e.g., personal digital assistant (PDA), mobile phone, use of a residence or vehicle, tickets to events, discretionary accounts or allowances), provided to Assembly Speaker Sheldon Silver, and the basis for computing such compensation (including whether such compensation was based upon an hourly rate, contingent fee, flat fee, or other arrangement);
 - c. invoices, billable hour reports, timesheets, expense reports, and reimbursement forms (for travel and other expenses) generated by or relating to Assembly Speaker Sheldon Silver;
 - d. Documents and Communications relating to the solicitation and engagement of any and all Weitz & Luxenberg clients ("CLIENTS") by Assembly Speaker Sheldon Silver including pitch books, marketing materials, engagement letters, and retainer agreements;
 - e. CLIENTS advised or represented by Assembly Speaker Sheldon Silver, and a general description of the services provided by Assembly Speaker Sheldon Silver to such CLIENTS; and
 - f. building access records (electronic or otherwise) for Assembly Speaker Sheldon Silver, sign-in sheets for Assembly Speaker Sheldon Silver, or Documents reflecting other means by which Assembly Speaker Sheldon Silver gains access to Weitz & Luxenberg's premises.
2. With respect to Weitz & Luxenberg, Documents and Communications sufficient to show any relationship, business (including receipt of funding), litigation, lobbying, or other contacts on Weitz & Luxenberg's own behalf with, before or against the State of New York, its agencies, departments, commissions, regional councils, public authorities, or other affiliated entities or bodies.
3. Documents and Communications sufficient to show CLIENTS:

- a. that have or have had any relationship, business (including receipt of funding), litigation, lobbying, or other contacts with, before or against the State of New York, including its agencies, departments, commissions, regional councils, and other affiliated entities or bodies; and
 - b. that have engaged Weitz & Luxenberg in connection with requests for funding, lobbying activity, proposed, draft, or enacted legislation, or any other legislative or political activity.
4. Documents and Communications relating to monies, benefits, or campaign contributions from Weitz & Luxenberg, its members, or close relatives of its members, or any political organization or committee associated with Weitz & Luxenberg, to New York State elected officials, political candidates, political entities, political campaigns, political action committees, political party organizations, or political clubs, including: (1) the recipient of the contribution; (2) the amount of the contribution; (3) the date of contribution; and (4) the purpose of the contribution.

Verification

This response to the Subpoena of the Commission to Investigate Public Corruption dated _____, including without limitation production of the requested Documents, was prepared and assembled under my personal supervision from the records of Weitz & Luxenberg in accordance with the instructions and definitions set forth in such Subpoena and is complete and correct to the best of my knowledge and belief. The Documents produced in response to this Subpoena are authentic, genuine and what they purport to be.

(Signature of Official)

(Title)

(Type or Print Name of Above Official)

Subscribed and sworn to before me this _____ day of _____ 2013.

Notary Public

My commission expires: _____

SCHEDULE 4

W E I T Z
&
L U X E N B E R G

A PROFESSIONAL CORPORATION

LAW OFFICES

700 BROADWAY • NEW YORK, NY 10003
TEL. 212-358-5500 FAX 212-344-5461
WWW.WEITZLUX.COM

PERRY WEITZ
ARTHUR M. LUXENBERG
ROBERT J. GORDON ††
PHAN T. ALVARADO
BEHNO ASHRAFI ◊
DAVID J. BARRY
JAMES J. BELBORROW
DANIEL P. BLOUM
EDWARD S. BOSEK *
AMBRE J. BRANDS
EDWARD BRANNIFF ††
JOHN M. BROADBENT *
VENUS BURNS ◊
PRITF BURSHTEIN ††
LISA NATHANSON BUSCH
DAVID A. CHANDLER
THOMAS COMERFORD ††
ADAM R. COOPER
TERESA A. CURTIN ††
BENJAMIN DANCHE
ADAM S. DIEKLEINER
MICHAEL FANELLI ††
LEONARD F. FELDMAN †
CHARLES M. FERLUSON
SARAH J. FETHERSTON

ARI FRIEDMAN ◊
MARY GRABISH GAFFNEY ††
ALANI GOLANSKI †
LAWRENCE GOLDFIRSCH **
ROBIN L. GREENWALD * **
STEPHEN HEALY ◊
ERIKA HEYDER
ASHLEY J. HINTZ †
DANIEL KORNBERG
MARIE L. SANIELLO ††
ERIK JACOBS
DAVID M. KAUFMAN ††
WESLEY D. KING ◊
GARY R. KLEIN ††
DANNY R. KRAFT, JR.
JERRY KRISTAL **
DEBI LANDAU
MATTHEW MACINTYRE
CURT D. MARSHALL †
JOANNE MAUREEN McLAREN

SAMUEL M. MEIROWITZ
JAMES A. MORRIS, JR. ***
KEVIN MULDERG †
DANA M. NORTHGRAFT ††
TODD OMNIEN
FRANK M. ORTIZ ††
MATTHEW PARK ††
JOSHUA W. PARKER ◊
MICHAEL S. PEDERSON
PAUL J. PENNOCK †
STUART S. PERRY
SHARPEE RABAA *
ADAM C. RAFFO
SUZANNE M. RATOLIFFE ††
EULEN REIKIN * † ◊
JOHN E. RICHMOND ††
MICHAEL P. ROBERTS
CHRIS ROMANELLI ††
DAVID ROSENBERG
PETER SAMBERG ††

LEONARD SANDOVAL ◊
CINDY YOUNG SAXEY ◊
JONATHAN M. SEDGH
KYLE A. SHAWBERG **
SHELDON SILVER *
ROBERT M. SILVERMAN †
DONALD SOUTAR ††
PETER TAMBINI ††
JAMES S. THOMPSON ††
JOE A. VAZQUEZ **
WILLIAM A. WALSH ††
DANIEL WASSERBERG *
ROBERT S. WEISSBERG *
NICHOLAS WISE ***
NEIDRA S. WILSON **
TIFFANY C. WOODS ◊
DEWA YOUNG †
BRENT ZADORNOVY ◊
ALLAN ZELIKOVIC
GLENN ZUCKERMAN

* Of Counsel
◊ Also admitted to CT
† Also admitted to PA
†† Also admitted to NJ
‡ Also admitted to DC
§ Also admitted to OH
¶ Also admitted to IN
** Also admitted to NJ and PA
*** Also admitted to NJ and DC
AA Also admitted to NJ and DC
* Also admitted to DC, VA
** Also admitted to CO
† Also admitted to TX
◊ Admitted only to DE
† Admitted only to NJ and PA
* Admitted only to NJ
* Admitted only to DC, MD, PA and VA
** Admitted only to IL
*** Admitted only to Colorado, Pennsylvania & Texas
◊ Certified Atty. NJ Supreme Court

November 8, 2013

BY FEDEX

E. Danya Perry, Esq.
Chief of Investigations
The Moreland Commission
90 Church Street
New York, NY 10007

Re: Subpoena Served Upon WEITZ & LUXENBERG P.C.

Dear Ms. Perry,

WEITZ & LUXENBERG P.C., hereby responds to the October 16, 2013 subpoena *duces tecum* (the "Subpoena") that you, as Deputy Attorney General and Chief of Investigations for the Moreland Commission (the "Commission"), directed to WEITZ & LUXENBERG P.C., purportedly in connection with the Commission's "investigation and inquiry" into public corruption, notwithstanding that the Subpoena makes no allegations at all of any misconduct. A copy of the Subpoena is enclosed as Exhibit A.

Pursuant to Section 2304 of the New York Civil Practice Law and Rules, WEITZ & LUXENBERG P.C. hereby requests that you withdraw the Subpoena because, for the reasons set forth more fully below, the Subpoena is facially improper and unenforceable. The demands in the

Subpoena are particularly improper here because they would force WEITZ & LUXENBERG P.C. to violate ethical obligations that WEITZ & LUXENBERG P.C. and its lawyers owe to their clients, not the least of which is their ethical obligation to preserve clients' confidences, privileged communications, and work-product prepared on behalf of them.¹ Moreover, compliance with the Subpoena would chill and impair the relationship between WEITZ & LUXENBERG P.C. and its clients. Indeed, the Subpoena's rhetoric appears intended to cause this interference. The Subpoena should be immediately withdrawn in its entirety.

In addition to the above-listed reasons, the Commission both lacks the requisite authority and is constitutionally proscribed from obtaining this information, as, among other things, the issuance of the Subpoena violates the separation of powers doctrine and undermines the protections afforded by the Speech or Debate Clause. This amounts to an abuse of process, and is another independent reason why the Subpoena should be withdrawn.

In particular, the specifications in the Subpoena are improper for the following reasons, among others:

1. *Is overly broad, vague, and unduly burdensome.* The Subpoena makes unreasonable, overly broad demands for Documents and Communications related to expansively-defined topics. For example, Request No. 1 calls for more than three years' worth of "Documents and Communications relating to professional services provided by Assembly Speaker SHELDON SILVER."² Similarly, Request No. 4 seeks more than three years' worth of "Documents and Communications relating to monies, benefits, or campaign contributions from WEITZ & LUXENBERG P.C., its members, or close relatives of its members, or any political organization or committee associated with WEITZ & LUXENBERG P.C., to New York State elected officials, political candidates, political entities, political campaigns, political action committees, political party organizations, or political clubs...." Such a request is broad, vague and ambiguous, especially given that the terms "benefits," "close relatives" and "political organization

¹ Compliance with the Subpoena would require WEITZ & LUXENBERG P.C. to violate Rule 1.6 of New York's Rules of Professional Conduct (the "RPC"), which prohibits lawyers from knowingly revealing confidential information absent the client's consent. RPC Rule 1.6 defines confidential information as information gained during or relating to the representation of a client, that is (a) protected by the attorney-client privilege; (b) likely to be embarrassing or detrimental to the client if disclosed; or (c) information that the client has requested be kept confidential. For example, Request No. 1(c) requires WEITZ & LUXENBERG P.C. to provide Documents and Communications related to specific clients advised or represented by SHELDON SILVER, including a general description of the services provided to such clients. Such a description assuredly would include confidential information, as defined by RPC Rule 1.6. Disclosure would not only subject WEITZ & LUXENBERG P.C. to disciplinary action, but it would also deter one of the fundamental purposes of confidentiality: to encourage clients "to communicate fully and frankly with [their] lawyer[s], even to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively." Comment 2 to RPC Rule 1.6.

² As evidence of the all-encompassing nature of the Subpoena, one need not look further than the Subpoena's definition of "Communication" and "Document(s)" as meaning the "broadest sense of the term[s]." For Communication, this includes any "letter, email, telephone record, report, log entry, audio recording, memorandum, meeting, note or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means..."; and for "Document(s), this includes "each and every writing of whatever nature," including but not limited to "letters, emails, voicemail, memoranda, notes, ... reports, analyses" and more than 30 additional categories. (Subpoena at p. 2.) These definitions would seemingly encapsulate every document housed in SHELDON SILVER'S office.

or committee associated with WEITZ & LUXENBERG P.C." are left undefined by the Subpoena. The time and expense of complying with these requests, as well as others, would be both oppressive and prohibitive.

2. *Purports to require the production of privileged and confidential material. By its express terms, the overwhelming majority of the Documents called for by the Subpoena are protected by the attorney-client privilege, the work product doctrine, or other applicable privileges, immunities and protections recognized under New York law, including the Rules of Professional Conduct. In addition, WEITZ & LUXENBERG P.C. objects to the Subpoena to the extent it requires the production of proprietary or confidential information about WEITZ & LUXENBERG P.C. contained within some of the requested Documents. Moreover, because so many of the Documents requested implicate the attorney-client privilege and other privileges and immunities, WEITZ & LUXENBERG P.C. would have to undertake an extensive privilege review prior to producing any Documents.*
3. *Fails to provide a legal, legitimate basis for the broad scope. The Subpoena seeks to examine the practices and procedures of the entire law firm without any legally legitimate basis.*
4. *Is overly broad and unduly burdensome in its definition of WEITZ & LUXENBERG P.C.. The Subpoena is overly broad and unduly burdensome in that it defines WEITZ & LUXENBERG P.C. to include more than just the firm's members and attorneys, but also any and all of its contractors, agents, employees, supervisors, present or former parents, subsidiaries, and so on, as well as any respective predecessors, successors or affiliates of all of the various categories of members. The Commission cannot plausibly expect that information pertaining to, for example, political contributions of the "close relatives" of members of the firm's "contractors" and "agents" is reasonably calculated to lead to relevant information for the purpose of the Commission's investigation, nor can the Commission reasonably require compliance with such a broad request within [thirteen] days.*
5. *Purports to require the production of documents, communications and information no longer in WEITZ & LUXENBERG, P.C.'s possession, custody or control. The Subpoena is overly broad and unduly burdensome to the extent it calls for WEITZ & LUXENBERG P.C. to describe information and documents that are no longer in WEITZ & LUXENBERG P.C.'s possession, custody or control. In particular, the Subpoena defines "Communication" to include oral conversations and discussions that may never have been recorded, and, in combination with the overbroad definition of WEITZ & LUXENBERG P.C., the Subpoena thus purports to require the production of oral communications, never transcribed, of persons no longer in WEITZ & LUXENBERG P.C.'s employment, and about which conversations WEITZ & LUXENBERG P.C. may never have had any knowledge.*

6. *Fails to comply with the processes set forth in Executive Order No. 106. The Subpoena was issued in violation of conditions and procedures set forth in the Executive Order appointing the Commission.*
7. *Purports to require the production of information or documents that are not in existence. In addition to being overly broad, the Subpoena seeks information and materials that do not exist, thus demanding that WEITZ & LUXENBERG P.C. create materials in order to comply with the Subpoena. It is axiomatic that under New York law, a subpoena duces tecum cannot compel the production of documents and records not in existence at the time the subpoena duces tecum is served.*
8. *Imposes an Unduly Burdensome and Impractical Return Date. The Subpoena demands that any and all responsive material must be produced no later than October 29, 2013, thirteen days after the Subpoena was issued. Given the incredibly broad scope of the Subpoena (including as set forth above), it is a logistical impossibility to produce all appropriate responsive Documents within that time period—which is less than the minimum time period required by the New York Civil Practices Laws and Rules.*

* * *

Should the Commission decide not to withdraw the Subpoena, I request that you adjourn the Subpoena return date for 60 days in order to allow WEITZ & LUXENBERG P.C. to prepare and submit a motion to quash it upon the grounds stated above, as well as any other applicable legal grounds.

Very truly yours,


Gary Klein, Esq.

SCHEDULE 5

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

IN THE MATTER OF SUBPOENA ISSUED BY
MORELAND COMMISSION TO INVESTIGATE
PUBLIC CORRUPTION TO WEITZ &
LUXENBERG, P.C.

Index No.: 160927/2013

I.A.S. PART:
JUSTICE

VERIFIED PETITION

Petitioner, WEITZ & LUXENBERG, P.C., by its undersigned attorneys, alleges as follows:

1. This is a petition to quash and for a protective order with respect to the subpoena *duces tecum* ("Subpoena") issued to Petitioner by the Commission to Investigate Public Corruption (the "Commission"), which was appointed by Governor Andrew Cuomo on July 2, 2013, pursuant to N.Y. Exec. Law § 6 and § 63(8). The Subpoena, dated October 15, 2013 and attached as an exhibit to the Affirmation submitted by Petitioner,¹ is unlawful in that it lacks the requisite factual basis, materiality and relevance, demands privileged and confidential materials, and is overly broad, unduly burdensome and oppressive. In addition, the Subpoena exceeds the Commission's authority, and is part of the Executive Branch's unlawful investigation into the Legislature, in violation of New York's doctrine of separation of powers.

PARTIES

2. Petitioner is a New York Law Firm that received a subpoena from the Commission purportedly related to the work that a current New York State Assemblyman performs for the WEITZ & LUXENBERG, P.C.

3. Respondent, the Commission, has a business address at 90 Church Street, 15th Floor, New York, NY 10007.

¹ See Affirmation of Gary Klein, on behalf of Petitioner WEITZ & LUXENBERG, P.C.

JURISDICTION AND VENUE

4. Pursuant to C.P.L.R. Articles 4, 23, and 31, this Court has jurisdiction over a special proceeding to quash and for a protective order with respect to an administrative subpoena issued to obtain disclosure from a New York entity.

5. This Court has personal jurisdiction over Respondent and venue is proper in this Court pursuant to C.P.L.R. § 506(b).

THE SUBPOENA

6. In October 2013, the Commission served Petitioner with the Subpoena calling for Petitioner to produce documents to the Commission by October 29, 2013.

7. Upon information and belief, the Commission and Petitioner agreed to extend the deadline to respond to the Subpoena to November 12, 2013, subsequently to November 19, 2013 and ultimately to November 22, 2013.

8. To this date, Petitioner has not produced any documents in response to the Subpoena's demands.

9. The Subpoena demands production of voluminous documents, including confidential and privileged documents and communications, the production of which would force WEITZ & LUXENBERG, P.C. and its attorneys to violate their ethical obligations to preserve client confidences, privileged communications, and work-product.

10. On November 8, 2013, in accordance with C.P.L.R. § 2304, Petitioner sent a letter to the Commission requesting that the Commission withdraw the subpoena because it: lacks the requisite factual basis, materiality and relevancy; is overly broad and unduly burdensome; improperly demands privileged and confidential materials; was issued outside the Commission's statutory authority; and violates New York's separation of powers doctrine.

11. The Commission responded with a letter to WEITZ & LUXENBERG, P.C. on November 12, 2013, declining WEITZ & LUXENBERG, P.C.'s request to withdraw the subpoena.

12. Petitioner has not made a prior application in this Court or any other court relating to the relief requested by this petition.

WHEREFORE, Petitioner request that an order be entered pursuant to C.P.L.R. §§ 2304 and 3103 quashing, and issuing a protective order with respect to, the Subpoena issued to Petitioner dated October 15, 2013 and for such further relief as the Court may deem just and proper.

Dated: New York, New York
November 22, 2013

WEITZ & LUXENBERG, P.C.

By: 
Gary Klein Esq.

700 Broadway
New York, New York 10003
212-558-5500

To:

Danya Perry, Esq.,
Chief of Investigations
Kelly Donovan, Esq. Chief Counsel
Commission to Investigate
Public Corruption
90 Church Street
New York, NY 10007

Attorney General Eric T. Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224
(Service pursuant to CPLR § 1

VERIFICATION

STATE OF NEW YORK)
)s.s.:
COUNTY OF NEW YORK)

Gary Klein, an attorney duly admitted to practice before this Court, hereby affirms under penalties of perjury pursuant to C.P.L.R. § 2106:

1. I am an Associate at the WEITZ & LUXENBERG, P.C., counsel to the Petitioner in the above-captioned action.

2. I have read the foregoing Verified Petition and know the contents thereof. All statements of fact therein are true and correct to the best of my knowledge, information and belief. Pursuant to N.Y. C.P.L.R. § 3020(d)(3), this verification is made by the undersigned because Petitioner is not located within the county and I or my law firm maintains an office.

Dated: New York, New York
November 22, 2013

WEITZ & LUXENBERG, P.C.

By: _____

Gary Klein, Esq.

700 Broadway
New York, New York 10003
212-558-5500

SCHEDULE 6



Co-Chairs
Kathleen Rice
Milton Williams, Jr.
William Fitzpatrick

**Commission to Investigate
Public Corruption**

Chief Counsel
Kelly Donovan
Chief of Investigations
E. Danya Perry

November 12, 2013

BY E-MAIL AND FIRST CLASS MAIL TO:

Gary R. Klein, Esq.
Weitz & Luxenberg, P.C.
700 Broadway
New York, New York 10003

Re: Subpoena Duces Tecum to Weitz & Luxenberg, P.C. ("Weitz & Luxenberg")

Dear Mr. Klein:

The Commission to Investigate Public Corruption ("Commission") has received your letter request, dated November 8, 2013, asking that the Commission withdraw its subpoena duces tecum directed to Weitz & Luxenberg. As described in detail below, the subpoena is a classically proper exercise of the Commission's authority and will not be withdrawn. The Commission sincerely hopes that you will join those firms that have complied with the Commission's inquiry and hopes that, together, we can avoid mutually burdensome litigation.

To that end, and in light of your arguments that the subpoena is overbroad, vague, burdensome, and seeks documents not in existence or not within your control, the Commission will consider any specific requests to define and narrow the scope of the subpoena without interfering with the Commission's lawful inquiry. The Commission already has agreed to extend the original return date of the subpoena. We now expect that you will make specific and reasonable suggestions to narrow particular subpoena requests and propose a production and a timeline consistent with those suggestions. Note that the return date of the subpoena stands as November 19, 2013.

I. The Subpoena Is Procedurally Proper

By Executive Order No. 106, Governor Cuomo empowered the Commission to conduct inquiries under Executive Law §§ 6 & 63(8). Those sections specifically include the power to subpoena witnesses in order to compel testimony and produce documents. Without offering any

specifics, Weitz & Luxenberg argues that the subpoena somehow fails to comply with the processes set forth in the Executive Order.

Contrary to Weitz & Luxenberg's suggestion, nothing in the Executive Law or the Executive Order requires that the Commission adopt particular procedures before exercising subpoena authority under §§ 6 and 63(8). While Paragraph V of the Executive Order authorizes the Co-Chairpersons of the Commission to adopt "such procedures and rules as they believe necessary to govern the exercise [its] powers and authority . . .," that paragraph does not purport to limit the Commission's authority; it is simply a grant of authority to the Co-Chairpersons. In any event, an executive order could not limit the authority of the Commission acting as a designee of the Attorney General under Executive Law § 63(8). See *Matter of De Brizzi*, 303 N.Y. 206, 213 (1951) (executive order requesting that the Attorney General appoint members of the New York State Crime Commission under § 63(8) did not deprive Attorney General of discretion required by that section).

Although the Commission is not obliged to adopt procedures to govern the exercise of its powers, certain statutory provisions govern the conduct of the Commission. For example, Executive Law § 63(8) provides that it shall be a misdemeanor "to disclose to any person other than the governor or the attorney-general the name of any witness examined or any information obtained upon such inquiry." In addition, the Commission's inquiry is governed by § 73 of the Civil Rights Law, which creates a "Code of fair procedure for investigating agencies." These rules are sufficient to protect the interests of any witness required to provide testimony or information to the Commission. In addition to the overriding principles of Executive Law 63(8) and the Civil Rights Law, the Executive Order requires that each subpoena have the unanimous support of the three Co-Chairpersons. The subpoena to Weitz & Luxenberg was issued consistent with all applicable requirements.

II. The Subpoena Seeks Materials Squarely Relevant to the Commission's Lawful Inquiry

Again without any support, Weitz & Luxenberg asserts simply that the subpoena "fails to provide a legal, legitimate basis." Yet, the subpoena was issued under the Commission's lawful authority and falls neatly within its mandate.

The Commission is tasked with "examining compliance by organizations and other persons engaged in lobbying and other attempts to influence public policies or elections" and is further directed to "investigate weaknesses in existing laws, regulations and procedures relating to addressing public corruption, conflicts of interest, and ethics in State Government." Executive Order No. 106, ¶ II(b) and (c); also Executive Law § 6 (authority to "examine and investigate the management and affairs of any . . . board"); *id.* § 63(8) (authority to "inquire into matters concerning . . . public justice"). In furtherance of its mandate, the Commission may subpoena any documents that bear a "reasonable relation to the subject matter under investigation and to the public purpose to be achieved." *N.Y. Republican State Comm. v. N.Y.S. Comm'n on Gov't Integrity*, 138 Misc.2d 790, 796 (Sup. Ct., N.Y. County 1988), *aff'd* 140 A.D.2d 1014 (1st Dep't 1988) (upholding housekeeping

account subpoena issued by Feerick Commission exercising authority under Executive Law §§ 6 and 63(8).¹

The Commission's subpoena power is limited only by "relevance and materiality." *Carl Andrews & Assoc., Inc. v. Office of the Inspector General*, 85 A.D.3d 633 (1st Dep't 2011), *lv denied*, 18 N.Y.3d 805. Thus, a motion to quash will be granted only "where the futility of the process to uncover anything legitimate is inevitable or obvious' or where the information sought is 'utterly irrelevant to any proper inquiry.'" *Anheuser-Busch, Inc.*, 71 N.Y.2d at 331-32 (quoting *Matter of Edge Ho Holding Corp.*, 256 N.Y. 374, 382 (1931) and *Matter of La Belle Creole Int'l*, 10 N.Y.2d at 196); *see also* N.Y. *Republican State Comm.*, 138 Misc.2d at 796-97. And in assessing whether the Commission's subpoena seeks information relevant to a proper inquiry, the Commission is entitled to a presumption that it is acting in good faith. *Hogan*, 67 A.D.3d at 1146 (citing *Anheuser-Busch, Inc.*, 71 N.Y.2d at 332, *Matter of La Belle Creole Int'l*, 10 N.Y.2d at 196, and *Carlise v. Bennett*, 268 N.Y. 212, 217-18 (1935)).

The subpoena issued to Weitz & Luxenberg seeks information that is clearly relevant and material to its proper inquiry into the "conflicts of interest[] and ethics in State Government" and the recommendation of possible reforms to such laws. New York law prohibits members of the Legislature from receiving compensation relative to their official duties involving legislation and other government proceedings. Public Officers Law §73-2. New York law provides further that a member of the Legislature should not engage in activity "which is in substantial conflict with the proper discharge of his duties in the public interest." Public Officers Law §74-2. A review of 2012 financial disclosures indicates that average household incomes of legislators are significantly higher than those of the state's general population. *See, e.g.*, Common Cause/NY and the New York Public Interest Research Group, *Analysis of New York State Legislators' Personal Financial Interests* (September 2013).² Accordingly, the Commission may properly inquire as to the nature of relationships between legislators and their employers in determining whether problematic conflicts of interest exist and/or whether recommendations should be made to strengthen ethics rules that may be contrary to the public trust.

III. The Subpoena Does Not Seek Privileged or Confidential Materials

Contrary to Weitz & Luxenberg's argument, the subpoena does not seek attorney-client privileged or confidential communications between Weitz & Luxenberg and the firm's clients. New York courts have uniformly held that communications regarding "the identity of a client and information about fees paid by the client" are not generally protected under the privilege." *In the Matter of Nassau County Grand Jury Subpoena v. Doe Law Firm*, 4 N.Y.3d 665, 669 (2005) (citing *Matter of Priest v. Hennessy*, 51 N.Y.2d 62, 69 (1980)); *see also* *Matter of Claydon*, 103 A.D.3d 1051, 1053 (2013) (finding that the identities of clients and fee arrangements are not protected confidential communications). Here, the Commission's subpoena seeks "Documents and Communications" relating to professional services provided to Weitz & Luxenberg by Sheldon Silver, as well as records concerning Sheldon Silver's compensation by Weitz & Luxenberg. Such "Documents and Communications" include, *inter alia*, retainer agreements, engagement letters, billable hour reports, a

¹ This is the same broad subpoena authority generally possessed by the Attorney General. *E.g.*, *La Belle Creole Int'l v. Attorney General*, 10 N.Y.2d 192, 196 (1961) (subpoena authority under section 63(12)); *Anheuser-Busch, Inc. v. Abrams*, 71 N.Y.2d 327 (1988) (subpoena authority under the Martin Act).

² Available at http://nypirg.org/pubs/goodgov/CCNY_NYPIRG_Ethics_Analysis-2.pdf


list of clients represented by Sheldon Silver and a "general description" of services provided by Sheldon Silver to such clients.³ New York courts have consistently held that documents of this nature do not trigger the attorney-client privilege. *See, e.g., Matter of Nassau County Grand Jury Subpoena v. Doe Law Firm*, 4 N.Y.3d at 669; *Matter of Priest*, 51 N.Y.2d at 65 (holding that "fee arrangements between a client and attorney do not ordinarily constitute a confidential communication and, thus, are not privileged in the usual case").

Finally, the Commission seeks documents that plainly do not concern Weitz & Luxenberg's clients, including data relating to campaign finance activity by Weitz & Luxenberg and its members and specific documents relating to employment contracts and compensation. These documents should be readily produced without objection or delay.


IV. Conclusion

Accordingly, the Commission declines to withdraw its request for materials relevant to the lawful inquiry described above. However, as stated, because Weitz & Luxenberg has made various arguments relating to the scope of the subpoena, the Commission is willing to discuss specific and reasonable suggestions for refining or narrowing those requests. In light of the subpoena's return date of November 19, 2013, we request that Weitz & Luxenberg make such specific and reasonable suggestions as soon as possible.

Sincerely,



Kelly Donovan
Chief Counsel



E. Danya Perry
Chief of Investigations

³ Subpoena at 7.

SCHEDULE 7

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 16

-----X
:
IN THE MATTER OF SUBPOENA ISSUED BY :
COMMISSION TO INVESTIGATE PUBLIC :
CORRUPTION TO FARRELL FRITZ, P.C. :
:
:
:
:
:
:
:
-----X

**STIPULATION OF
DISCONTINUANCE
(to be so ordered)**

Index No. 160876/2013

Honorable Alice Schlesinger

-----X
:
IN THE MATTER OF SUBPOENA ISSUED BY :
COMMISSION TO INVESTIGATE PUBLIC :
CORRUPTION TO HARRIS BEACH PLLC :
-----X

Index No. 160880/2013

-----X
:
IN THE MATTER OF SUBPOENA ISSUED BY :
COMMISSION TO INVESTIGATE PUBLIC :
CORRUPTION TO HISCOCK & BARCLAY, LLP :
-----X

Index No. 160909/2013

-----X
:
IN THE MATTER OF SUBPOENA ISSUED BY :
COMMISSION TO INVESTIGATE PUBLIC :
CORRUPTION TO WEITZ & LUXENBERG, PC :
-----X

Index No. 160927/2013

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-----X
:
RUSKIN MOSCOU FALTISCHEK, P.C.; :
DEFRANCISCO & FALGIATANO LAW FIRM; :
FORCHELLI, CURTO, DEEGAN, SCHWARTZ, :
MINEO & TERRANA, LLP; LUCARELLI & :
CASTALDI, LLP; TWOMEY, LATHAM, SHEA, :
KELLEY, DUBIN & QUARTARARO, LLP; :
DAVIDSON & O'MARA, P.C.; FRIEDMAN & :
RANZENHOFER, P.C.; BORAH, GOLDSTEIN, :
ALTSCHULER, NAHINS & GOIDEL, P.C.; :
KLEIN, CALDERONI & SANTUCCI, LLP; :
CHARLES J. FUSCHILLO, JR.; J & A :
CONCRETE CORP; J & A CONTRACTING :
CORP. OF NEW YORK and 476, INC., :
:
Petitioners, :
:
- against - :
:
COMMISSION TO INVESTIGATE PUBLIC :
CORRUPTION, :
:
Respondent. :
-----X

Index No. 160932/2013

(caption continues on next page)

-----X
:
NEW YORK STATE SENATE, NEW YORK
STATE ASSEMBLY, DEAN G. SKELOS and
JEFFREY D. KLEIN, as members and as
Temporary Presidents of the New York State
Senate, and SHELDON SILVER, as member and as
Speaker of the New York State Assembly,
:
Petitioners,
:
- against -
:
COMMISSION TO INVESTIGATE PUBLIC
CORRUPTION,
:
Respondent.
-----X

Index No. 160935/2013

-----X
:
NEW YORK STATE SENATE, NEW YORK
STATE ASSEMBLY, DEAN G. SKELOS and
JEFFREY D. KLEIN, as members and as
Temporary Presidents of the New York State
Senate, and SHELDON SILVER, as member and as
Speaker of the New York State Assembly,
:
Plaintiffs,
:
- against -
:
KATHLEEN RICE, WILLIAM J. FITZPATRICK
and MILTON L. WILLIAMS, Jr. in their official
capacities as Co-Chairs of the Moreland
Commission on Public Corruption, and THE
MORELAND COMMISSION TO INVESTIGATE
PUBLIC CORRUPTION,
:
Defendants.
-----X

Index No. 160941/2013

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 IN THE MATTER OF SUBPOENA ISSUED BY : Index No. 160990/2013
 COMMISSION TO INVESTIGATE PUBLIC :
 CORRUPTION TO SAHN WARD :
 COSCHIGNANO & BAKER, PLLC :
 -----X

WHEREAS, Governor Andrew Cuomo has publicly committed to disbanding the Commission to Investigate Public Corruption (“the Commission”) and thereby to terminating its investigation;

WHEREAS, based on this public commitment by Governor Cuomo as well as the fact that the Commission’s staff has been withdrawn, the subpoenas issued to petitioners by the Commission that are the subject of the above-captioned action/proceedings (the “Subpoenas”), have been withdrawn;

WHEREAS, the motions in the above-captioned action/proceedings have been rendered moot by the withdrawal of the Subpoenas;


IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the petitioners/proposed intervenors/plaintiffs and counsel for the respondents/defendants in the above-captioned action/proceedings that:

1. The Commission has withdrawn the Subpoenas;
2. As a result, petitioners/proposed intervenors/plaintiffs in the above-captioned action/proceedings agree to discontinue the action/proceedings as moot pursuant to CPLR 3217;
3. The Commission agrees to discontinue as moot its cross-motions in the above-captioned proceedings pursuant to CPLR 3217; and
4. All parties reserve their rights.

Dated: New York, NY
April 24, 2014

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
*Attorney for Respondent/Defendant Commission to
Investigate Public Corruption and Defendants
Kathleen Rice, William J. Fitzpatrick, and Milton L.
Williams, Jr.*

By:

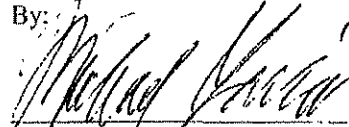


Judith W. Vale, Esq.
Assistant Solicitor General
120 Broadway, 25th Floor
New York, NY 10271
(212) 416-6274

Dated: New York, NY
April 24, 2014

KIRKLAND & ELLIS LLP
*Attorneys for Petitioners/Proposed
Intervenors/Plaintiffs New York State Senate and
Dean G. Skelos as Temporary President of the New
York State Senate and Member*

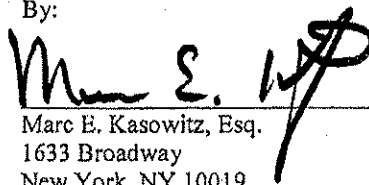
By:



Michael J. Garcia, Esq.
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

Dated: New York, NY
April 24, 2014

KASOWITZ, BENSON, TORRES & FRIEDMAN
LLP
*Attorneys for Petitioners/Proposed
Intervenors/Plaintiffs New York State Assembly and
Sheldon Silver, as Speaker and Member*
By:



Marc E. Kasowitz, Esq.
1633 Broadway
New York, NY 10019
(212) 506-1700

Dated: New York, NY
April 24, 2014

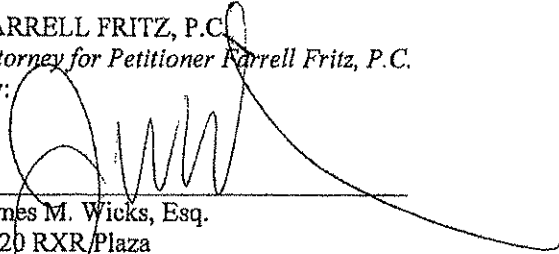
LOEB & LOEB LLP
*Attorney for Petitioners/Proposed
Intervenors/Plaintiffs Jeffrey D. Klein as Temporary
President of the New York State Senate and Member*
By:



Jay K. Musoff, Esq.
345 Park Avenue
New York, NY 10154
(212) 407-4212

Dated: New York, NY
April 21, 2014

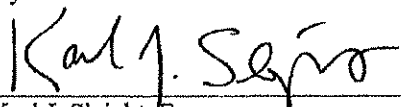
FARRELL FRITZ, P.C.
Attorney for Petitioner Farrell Fritz, P.C.
By:



James M. Wicks, Esq.
1320 RXR Plaza
Uniondale, NY 11556
(516) 227-0700

Dated: New York, NY
April 24, 2014

HARRIS BEACH PLLC
Attorney for Petitioner Harris Beach PLLC
By:

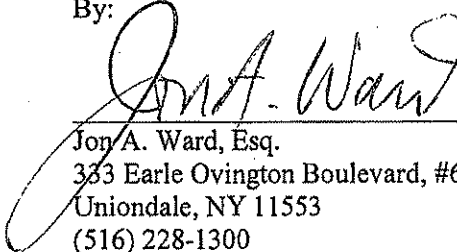


Karl J. Sleight, Esq.
677 Broadway
Albany, NY 12207
(518) 701-2716

Dated: New York, NY
April __, 2014

SAHN WARD CONSCHIGNANO & BAKER,
PLLC
*Attorney for Petitioner Sahn Ward Conschignano &
Baker, PLLC*

By:



Joy A. Ward, Esq.
333 Earle Ovington Boulevard, #601
Uniondale, NY 11553
(516) 228-1300

Dated: New York, NY
April __, 2014

RUSKIN MOSCOU FALTISCHECK, P.C.
*Attorneys for Petitioners Ruskin Moscou
Faltischeck, P.C.; DeFrancisco & Falgiatano Law
Firm; Forchelli, Curto, Deegan, Schwartz, Mineo &
Terrana, LLP; Lucarelli & Castaldi, LLP; Twomey,
Latham, Shea, Kelley, Dubin, & Quartararo, LLP;
Davidson & O'Mara, P.C.; Friedman &
Ranzenhofer, P.C.; Borah, Goldstein, Altschuler,
Nahins & Goidel, P.C.; Klein, Calderoni &
Santucci, LLP; Charles J. Fuschillo, Jr.; J & A
Concrete Corp.; J & A Contracting Corp. of New
York; and 476, Inc.*

By:

Douglas J. Good, Esq.
East Tower, 15th Floor
1425 RXR Plaza
Uniondale, NY 11556
(516) 663-6600

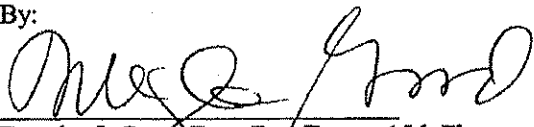
Dated: New York, NY
April ____, 2014

SAHN WARD CONSCHIGNANO & BAKER, PLLC
*Attorney for Petitioner Sahn Ward Conschignano &
Baker, PLLC*
By:

Jon A. Ward, Esq.
333 Earle Ovington Boulevard, #601
Uniondale, NY 11553
(516) 228-1300

Dated: New York, NY
April 3, 2014

RUSKIN MOSCOU FALTISCHECK, P.C.
*Attorney for Petitioners Ruskin Moscou Faltischeck,
P.C.; DeFrancisco & Falgiatano Law Firm; Forchelli,
Curto, Deegan, Schwartz, Mineo & Terrana, LLP;
Lucarelli & Castaldi, LLP; Twomey, Latham, Shea,
Kelley, Dubin, & Quartararo, LLP; Davidson &
O'Mara, P.C.; Friedman & Ranzenhofer, P.C.; Borah,
Goldstein, Altschuler, Nahins & Goidel, P.C.; Klein,
Calderoni & Santucci, LLP; Charles J. Fuschillo, Jr.; J
& A Concrete Corp.; J & A Contracting Corp. of New
York; and 476, Inc.*
By:



Douglas J. Good, Esq., East Tower, 15th Floor
1425 RXR Plaza
Uniondale, NY 11556
(516) 663-6600

Dated: New York, NY
April ~~24~~, 2014

HISCOCK & BARCLAY, LLP
Attorney for Petitioner Hiscock & Barclay, LLP
By:



Gabriel M. Nugent, Esq.
300 South State Street
Syracuse, NY 13202
(315) 425-2836

Dated: New York, NY
April __, 2014

WEITZ & LUXENBERG, PC
Attorney for Petitioner Weitz & Luxenberg, PC
By:

Gary Klein, Esq.
700 Broadway, 2nd Floor
New York, NY 10003
(212) 558-5500

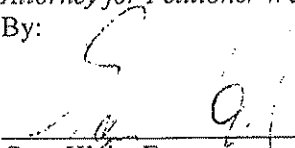
Dated: New York, NY
April __, 2014

HISCOCK & BARCLAY, LLP
Attorney for Petitioner Hiscock & Barclay, LLP
By:

Gabriel M. Nugent, Esq.
300 South State Street
Syracuse, NY 13202
(315) 425-2836

Dated: New York, NY
April 24, 2014

WEITZ & LUXENBERG, PC
Attorney for Petitioner Weitz & Luxenberg, PC
By:



Gary Klein, Esq.
700 Broadway, 2nd Floor
New York, NY 10003
(212) 558-5500

SCHEDULE 8

McKinney's Public Officers Law § 73

McKinney's Consolidated Laws of New York Annotated Currentness
Public Officers Law (Refs & Annos)

Chapter 47. Of the Consolidated Laws

Article 4. Powers and Duties of Public Officers (Refs & Annos)

⇒ § 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 joint commission on public ethics or legislative ethics commission 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 department of financial services, 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 of this section, 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, or any executive order, or any legislation or resolution before the state legislature, whereby his or her compensation is to be dependent or contingent upon any action by such agency or legislature with respect to any license, contract, certificate, ruling, decision, executive order, opinion, rate schedule, franchise, legislation, resolution 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 joint commission on public ethics and the legislative ethics commission 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 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.

(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 or on or after January first, two thousand nine and before April first, two thousand fourteen 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 Commission on Public Integrity at 540 Broadway, 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 Commission on Public Integrity at (518) 408-3976 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 or the commission on public integrity, provided that such officer or employee may so appear or practice or receive such compensation with the prior approval of the state ethics commission or the commission on public integrity. In determining whether to grant such approval the state ethics commission or the commission on public integrity 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 joint commission on public ethics 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.

(i) The provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall not apply to any person as a result of his or her temporary employment by the New York state department of agriculture and markets in the civil service title of veterinarian one or animal health inspector one and their service, in that capacity, as a member of the New York state emergency veterinary corps.

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 joint commission on public ethics, 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 joint commission on public ethics, provides to the joint commission on public ethics 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. [As added by L.2004, c. 523. See, also, subd. 8-b below.] 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 joint commission on public ethics 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 joint commission on public ethics must review and approve all certifications made pursuant to this subdivision.

8-b. [As added by L.2004, c. 540. See, also, subd. 8-b above.] 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.

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 joint commission on public ethics 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 article 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 article does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the joint commission on public ethics 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.

McKinney's Consolidated Laws of New York Annotated Currentness
Public Officers Law (Refs & Annos)

▣ Chapter 47. Of the Consolidated Laws

▣ Article 4. Powers and Duties of Public Officers (Refs & Annos)

➔ § 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 or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

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.

j. Repealed by L.2007, c. 14, § 30, eff. April 25, 2007.

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.

SCHEDULE 9

American Tort Reform Association

1101 Connecticut Avenue, NW ■ Suite 400 ■ Washington, DC 20036
(202) 682-1163 ■ Fax: (202) 682-1022 ■ www.atra.org

CIVIL JUSTICE REFORM *OUTLOOK*

January 2014

To: ATRA Members and Friends

From: Matt Fullenbaum, Director of Legislation
Lauren Sheets, Assistant Director of Legislation and Communication

Re: ATRA's Civil Justice Reform *Outlook*, 2014

We forecast that the 2014 state legislative sessions are expected to be quieter than 2013, due to a number of factors. This fall many states are holding elections and, consequently, many legislatures have scheduled shorter sessions to give legislators more time to campaign. In addition, four states will not meet in regular session: Montana, Nevada, North Dakota and Texas. Taken together, we expect a decrease in overall bill volume in 2014.

As a result of the enactment of the historic federal health care law, a new Standard of Care Protection Act model bill will be widely considered in states across the country. This legislation would help ensure that no provisions of the federal health care law may be inappropriately used to create new threats for medical liability litigation. Opportunistic trial lawyers may seek to use the provisions in a way that was not intended and argue that they establish new federal standards of care when it comes to determining medical liability in court cases. To date, Georgia and Florida have enacted a form of this model bill.

Despite the fact that it is an election year, there are still some opportunities in a number of states. For example, comprehensive reform legislation is expected to be considered in Missouri, North Carolina, and South Carolina. We expect other states, such as Arizona, Florida, Georgia, Kansas and Michigan, to aggressively push civil justice reform.

We are optimistic that we will continue to see a sustained level of reform activity in the states and we hope to build off of the successes of a very productive 2013.

~ ~ ~

While we try to be comprehensive with our *Outlook*, this document is by no means meant to be exhaustive. If you have supplemental information, please do not hesitate to share it with us.

NEW YORK

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SENATE 32 D 30 R 1 Ind.

GOVERNOR: Andrew Cuomo (D)
RE-ELECTION YEAR: 2014

Mr. Tom Stebbins
Executive Director
Lawsuit Reform Alliance of
New York
19 Dove Street, Suite 201
Albany, New York 12210
518-512-5265
tstebbins@lrany.org

Mr. Michael P. Durant
State Director
NFIB/New York
100 State Street
Suite 1010
Albany, New York 12207
518-434-1262
mike.durant@nfib.org

Mr. Mike Elmendorf
President & CEO
Associated General
Contractors of NY State
10 Airline Drive, Suite 203
Albany, NY 12205
518-456-1134
Melmendorf@agcnvs.org

Several pieces of affirmative civil justice reform legislation will carry over into 2014 from the 2013 legislative session. The bills are not expected to advance given the make-up of the Assembly and Speaker Sheldon Silver's involvement. Speaker Silver is aligned with the trial lawyers and is employed by a plaintiff's firm; therefore, it is nearly impossible for any civil justice reform measures to gain traction. The group of bills include the following:

- S.B. 4383/A.B. 5221: Expert Witness Disclosure
- A.B. 7930: Asbestos Transparency
- S.B. 3619/A.B. 4824: Trespasser Responsibility
- S.B. 3114: Judgment interest
- S.B. 111/A.B. 3104: Scaffold law reform
- A.B. 5190: Attorney contingency fee schedule
- S.B. 2531: Health care courts

The opposition also has its own agenda of bills that will carry over from 2013. They include:

- S.B. 1277/A.B. 6674: Private right of action for improper debt collection
- S.B. 744/A.B. 1056: Expansion of statute of limitations for medical lawsuits
- S.B. 965/A.B. 6585; A.B. 9282; S.B. 942/A.B. 659: Martin Act
- S.B. 551/A.B.1001: Wrongful death
- S.B. 3809/A.B. 1771: Expansion of statute of limitations for sexual abuse
- S.B. 2544/A.B. 3305: Bad faith

The Court of Appeals recently tried to extend the mandatory judicial retirement age from 70 to 80 via a ballot initiative. The initiative failed spectacularly, with five initiatives passing, and this being the only one rejected by the voters. The mandatory retirement age means that three Court of Appeals judges will step down: Chief Judge Lippman (Liberal), Judge Smith (Conservative) and Judge Graffeo (Conservative). Governor Cuomo will have an opportunity to remake the court with three appointments.

SCHEDULE 10

METRO

Assembly Speaker Sheldon Silver's firm gets cut of 9/11-suit payouts

By Joseph Goldstein

August 22, 2010 | 4:00am



\$10K: Ground Zero workers are being soaked by interest fees levied by a firm tied to Sheldon Silver.

Photo: Reuters

Assembly Speaker Sheldon Silver has spun the 9/11 lawsuits into gold.

Ground Zero workers are on the hook to pay steep interest on money their lawyers borrowed from a group of investors that include Silver and his law partners, The Post has learned.

Silver's partners at the Weitz & Luxenberg law firm are top board members of a business that quietly loaned money at 18 percent a year to the law firm representing some 9,800 Ground Zero workers with toxic-illness suits against the city.

MORE: COUNCIL BIG BETS AGAINST THE CITY

Silver personally invested an undisclosed sum — but at least \$50,000 — in Counsel Financial Services, a Buffalo-based attorney-funding company that gives four-year loans and lines of credit up to \$10 million to law firms with cases expected to hit the jackpot.

Sources told The Post that Counsel Financial loaned money to Paul Napoli and Marc Bern, lead attorneys suing the city on behalf of cops, firefighters, hardhats and other workers and volunteers who blame illnesses on the toxic World Trade Center rubble.

Silver's office has previously described him as a "passive investor" in Counsel Financial.

"He doesn't know where the money goes," Silver spokeswoman Sisa Moyo said when asked to comment on Counsel Financial's connection to the law firm battling New York City in the 9/11 cases.

Silver's Assembly district covers much of lower Manhattan, including Ground Zero, and the speaker is arguably the most powerful Democrat in the state.

A source familiar with the 9/11 litigation said Worby Groner Edelman & Napoli Bern, the law partnership representing the 9/11 workers, "had to lay out \$20 million to \$30 million" to fight the cases for six years against City Hall, which at first refused to pay a dime to ailing workers.

The firm "borrowed most of it," the source said, adding that the lawyers would have to repay the loans themselves if they lost the cases. "They took the risk."

Napoli said his firm took out various loans "at the best rates we could find," but would not answer further questions.

But now, lawyers are trying to pass on the interest costs to their 9/11 clients. Manhattan federal Judge Alvin Hellerstein has called a hearing next week to investigate whether the lawyers have overcharged their clients.

Out of the proposed maximum \$712 million settlement, the lawyers are expected to collect nearly \$200 million in fees and expenses — including "repayment of interest expenses."

Workers said they had no knowledge of the loans and no idea they would be socked with the interest charges. Some were stunned when they opened their settlement-proposal letters last month to learn their awards would be slashed by hundreds to thousands each.

One first responder, told of Silver's connection to the high-interest loans, was disgusted.

"He's making a profit off the sick and the dead in the world's biggest tragedy," he said.

"These guys are just capitalizing off the guys who really need help."

Silver, on his latest financial disclosure form, says his 2007 investment with Counsel Financial was due to be repaid in March this year.

Sources said the 9/11 lawyers would have already repaid the money borrowed from Counsel Financial.

Joseph DiNardo, founder and adviser to the board of Counsel Financial, refused to comment on which firms it has funded.

"It's our policy and our agreement with all of our borrowers that we do not disclose who our borrowers are or comment on their litigation," DiNardo said.

DiNardo said Counsel Financial does not earmark its loans for any specific lawsuits, but leaves it up to borrowers to spend the money on whatever they choose, from office overhead to trial expenses.

Counsel Financial's profit margin is "close to 4 or 5 percent," DiNardo said.

Silver's law partners, Perry Weitz and Arthur Luxenberg, are chairman and vice chairman of Counsel Financial. The personal-injury lawyers pay Silver a retainer to keep him at Weitz & Luxenberg, although Silver's "of counsel" role at the firm is unclear.

Firms like Counsel Financial have sprung up in recent years as big-money lawsuits drag on without any pay out for years. Most banks do not gamble on loans to law firms based on future winnings.

Another leading law firm representing 689 Ground Zero firefighters and workers has told Hellerstein it did not take loans for the cases and would not charge any interest to clients.

A good-government group blasted public servants who would profit from a settlement drawn from a taxpayer-paid \$1 billion fund to pay sick and injured 9/11 workers.

"It's highly questionable for the speaker to be investing in a company whose interest charges to the lawyers result in reduced federal taxpayer support for ill 9/11 workers," said Dick Dadey, director of Citizens Union.

He added, "For the lawyers to add interest to their generous take is particularly heinous when this federal money is intended for those who fell ill helping the country on 9/11."

* Assembly Speaker Sheldon Silver invests at least \$50,000 in Counsel Financial Services.

- * Silver's law partners, Perry Weitz and Arthur Luxenberg, chairman and vice chairman of Counsel Financial, also invest in the firm.
- * Counsel Financial lends money at 18 percent interest per year to fund cases brought by personal-injury lawyers Paul Napoli and Marc Bern.
- * Napoli and Bern borrow money from various sources to help cover \$20 million to \$30 million in litigation costs for 10,000 Ground Zero workers suing the city.
- * Napoli and Bern pass on the interest charges to their clients — 9/11 responders affected by toxic dust — taking a hefty cut from their proposed settlement awards.

susan.edelman@nypost.com

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SCHEDULE 11



The New York Times | <http://nyti.ms/1npDcG4>

N.Y. / REGION

Rapfogel Is Sentenced for Stealing From His Charity

By RUSS BUETTNER JULY 23, 2014

For two decades, William E. Rapfogel met with presidents, governors and mayors eager to support the large social service organization that he oversaw and, some would say, charmed with his earnest charisma. The contrast could not have been more stark on Wednesday when Mr. Rapfogel slumped before a judge in Manhattan and meekly followed court officers to a holding cell to begin serving a prison sentence for stealing from that same organization.

Following the terms of a plea agreement he accepted in April, Mr. Rapfogel paid the remaining balance of \$3 million he owed in restitution and was sentenced to 3 1/3 to 10 years in prison by Justice Larry Stephen of State Supreme Court. He had faced a slightly longer sentence of four to 12 years if he could not pay the full amount.

Mr. Rapfogel, 59, had led the nonprofit Metropolitan New York Council on Jewish Poverty through a period of tremendous growth after he became its executive director in 1993. Known as Met Council, it has spent more than \$110 million a year, mostly from government funds, on home health care

and other services for older people and the poor. Mr. Rapfogel's annual compensation package exceeded \$400,000.

Met Council fired Mr. Rapfogel last summer, after an internal investigation based on an anonymous tip uncovered evidence that he had engaged in a scheme with the organization's insurance broker to pad insurance payments and split the surplus.

Investigators from the office of Attorney General Eric T. Schneiderman concluded that Mr. Rapfogel had taken more than \$3 million and used it "to fund a lavish lifestyle." A total of \$9 million was taken by the participants in the scheme, and some of the stolen money was used to make campaign contributions, through straw donors, to win the favor of political candidates, the attorney general's office said.

The prosecutor on the case, Gary T. Fishman, chief of the attorney general's Criminal Enforcement and Financial Crimes Bureau, said in court that Mr. Rapfogel "attempted to mislead" investigators from the start and had demonstrated a "lack of contrition."

"The defendant continues to minimize to others the full extent of his complicity in the criminal scheme that was orchestrated against Met Council," Mr. Fishman added, without elaborating.

The criminal case carried significant political overtones because of the close ties between Mr. Rapfogel and Sheldon Silver, the speaker of the State Assembly. For decades, Mr. Silver, a Manhattan Democrat, has given tax dollars to the organization, and appeared at Met Council events with Mr. Rapfogel, whom he described as a friend. Mr. Rapfogel's wife, Judy, works as Mr. Silver's chief of staff and has been an employee of his office since 1977.

Ms. Rapfogel sat next to her husband in the courtroom on Wednesday as they waited for the case to be called. She did not show emotion as he was led away.

Neither Mr. Silver nor Ms. Rapfogel has been implicated in the scheme. A spokesman for Mr. Silver's office has said that Ms. Rapfogel was unaware of her husband's misdeeds, including his stashing of hundreds of thousands

of dollars in cash in their homes. After Mr. Schneiderman's investigators asked about the scheme, Mr. Rapfogel turned over about \$372,000 in cash. Investigators later recovered an additional \$48,000 on a search warrant.

The owner of the insurance brokerage, Century Coverage of Valley Stream, and two former Met Council executives had previously pleaded guilty and received shorter sentences.

Justice Stephen said he had received letters in support of Mr. Rapfogel, but he did not quote from them. The courtroom appearance lasted only a few minutes. Mr. Rapfogel read from a brief statement in which he expressed regret for hurting the organization that he "worked so hard to build."

"I have tried hard to make amends," he said. "But I also recognize that what I did was seriously wrong and that I will continue to pay a heavy price for my actions. I am terribly sorry."

Correction: July 23, 2014

Because of an editing error, an earlier version of this article misstated the sentence that William E. Rapfogel received. It was at least 3 1/3 years, not three and a half. The error was repeated in a headline.

Correction: July 30, 2014

An article on Thursday about the sentencing of William E. Rapfogel for stealing from the Metropolitan Council on Jewish Poverty, an organization he once oversaw, misstated, in one instance, the surname of the State Supreme Court justice who oversaw the case. As the article correctly noted elsewhere, he is Justice Larry Stephen, not Stephens.

A version of this article appears in print on July 24, 2014, on page A22 of the New York edition with the headline: Ex-Director Is Sentenced Over Theft at His Charity.

SCHEDULE 12

The New York Times | <http://nyti.ms/1ip5tsZ>

N.Y. / REGION

They Kept a Lower East Side Lot Vacant for Decades

By RUSS BUETTNER MARCH 21, 2014

Nearly four decades ago, a new assemblyman named Sheldon Silver and his young protégé escorted Edward I. Koch, then a mayoral candidate, through the Orthodox Jewish enclave on Manhattan's Lower East Side where the two had both grown up.

It was the first day of Rosh Hashana, 1977, and Mr. Koch and his opponent, Mario M. Cuomo, had agreed not to campaign, even as they were locked in a frantic runoff for the Democratic nomination.

But the air of religious observance provided cover for Mr. Koch to walk along Grand Street with his two new friends, shaking the hands of influential rabbis and throwing bread into the East River, part of the ritual casting off of sins.

Six days later, Mr. Koch carried the Jewish vote and won the primary. His team long remained grateful for the guided tour by Mr. Silver and the protégé, William E. Rapfogel, then a recent college graduate who ran his own Jewish newspaper.

"They helped us big time in the runoff," recalled John LoCicero, Mr. Koch's chief political adviser. "It revved up the Jewish vote for Koch against Cuomo."

The long-ago walk was the first public display of an alliance that became central to the lives and careers of both Mr. Rapfogel and Mr. Silver. They worked together across the decades while climbing parallel ladders: Mr.

Silver to Assembly speaker and Mr. Rapfogel to leadership of the Metropolitan Council on Jewish Poverty, a large, publicly financed charity.

But their long affiliation came to an abrupt end last year when Mr. Rapfogel, 59, was arrested and charged in a scheme that had allegedly looted more than \$7 million in kickbacks from Met Council's insurance broker over the years. He is due back in court in April.

The arrest cast new light on a relationship about which little was known beyond the obvious: Mr. Silver has funneled millions of public dollars to the organization that Mr. Rapfogel led, and he employs Mr. Rapfogel's wife, Judy, as his chief of staff.

A primary focus of their alliance had been a struggle to preserve the Jewish identity of the neighborhood they delivered for Mr. Koch all those years ago.

Their battleground was some 20 barren acres along the southern side of Delancey Street, where, in 1967, the city leveled blocks of rundown apartment buildings. More than 1,800 low-income families, largely Puerto Rican, were sent packing and promised a chance to return to new apartments someday. Now, nearly 50 years later, the land is still a fallow stretch of weed- and rat-ridden parking lots, though in the waning days of the Bloomberg administration, the city announced that the land would finally be developed into a complex called Essex Crossing, to include retail markets, restaurants, office and cultural space. And new apartments.

Mr. Silver has long characterized his role in plans for the site, known as the Seward Park Urban Renewal Area, or Spura, as limited to insisting that all groups have a voice in the outcome, not promoting a specific plan or developer. "The speaker's position was always that any development at Spura had to be achieved by consensus among all of the diverse communities that make up the Lower East Side," his spokesman, Michael Whyland, said in a recent written statement.

But an extensive review of the archives of four mayors and more than two dozen interviews show Mr. Silver and Mr. Rapfogel diligently working behind the scenes to promote specific plans and favored developers. Mr.

Rapfogel made clear that the goal was to maintain the area's Jewish identity, seemingly at the expense of other communities.

Mr. Silver and Mr. Rapfogel steadfastly opposed any mention of affordable housing, which would have altered the demographics of the neighborhood and put Mr. Silver's political base in question. And Mr. Silver appears to have occasionally misrepresented the desires of his Chinese and Hispanic constituents in conversations with city officials to quash housing plans for the site.

"They're the reason that this site has been empty for 50 years," said Edward Delgado, known as Tito, who was a teenager when the city cleared the blocks and his family was evicted. He has been advocating for affordable homes at the site in the decades since.

Mr. Silver and Mr. Rapfogel were born in the neighborhood to Jewish parents. Mr. Silver, 70, grew up in a tenement on Henry Street. His father owned a neighborhood hardware business. Mr. Rapfogel's father was a clerk for city government.

When they were boys, the blocks along Grand Street teemed with Jewish peddlers and dozens of small synagogues. Unions were building 12 apartment buildings in the neighborhood to house 4,500 families, mostly garment workers. Known as Cooperative Village, the apartments would anchor a new Jewish middle class.

It was the quaint urban hamlet that served as the home of Bubbie in the movie "Crossing Delancey." But it was also an island apart.

Cooperative Village was surrounded by more than 14,000 units of public housing to the north, east and south. Those buildings were full of less prosperous African-Americans and more recent Hispanic arrivals. Chinatown, to the south and west, was expanding, as Jewish numbers declined.

From the perspective of Grand Street's Jewish leaders, any development with affordable housing that replaced the cleared tenements would tilt the balance of the entire neighborhood.

Mr. Silver and Mr. Rapfogel fought that possibility, chiefly through a

community group called United Jewish Council of the East Side. Mr. Rapfogel's father, Hyman, was a co-founder and Judy Rapfogel was on its board of directors in the 1970s. Mr. Silver was the group's lawyer and headed one of its housing corporations.

In the early 1970s, the city built a 360-unit housing project on a corner of the site. But that project wound up the subject of a court dispute when Jews were given many of the apartments. And the fate of rest of the site was still deadlocked.

By December 1977, Mr. Silver was still serving as United Jewish Council's lawyer. He wrote to members of the departing administration of Mayor Abraham D. Beame about a plan he and the group had submitted years earlier for a "mini shopping center" on the Spura site. In drawings, it resembled a massive airplane hangar. It included no housing, but the group said it would create needed jobs.

"I would very much appreciate meeting with you or members of your staff in order to set up a program of incentive to get this plan off the ground," Mr. Silver wrote. "It has been quite some time since the proposal was submitted and, to date, there has been no action."

Mr. Koch took office weeks later. He hired Mr. Rapfogel, then 23, as a spokesman at a city agency. Mr. Silver was pleased. He was sure Mr. Rapfogel would be "a capable spokesman in such a sensitive area of your administration," he wrote to Mr. Koch.

Soon after, United Jewish Council began pushing its friends in the administration to support the "international mall" plan, and its handpicked developer, Howard Blitman, arguing that the neighborhood was "clearly saturated" with public housing.

Mr. Rapfogel, Mr. Silver and others discussed the plan with city officials at several private meetings. During one, talk turned to the "political problem" presented by a request from a Chinatown group to sponsor 150 units of low-income housing for senior citizens in the development.

"Assemblyman Silver announced that he had a compromise," according to minutes of the meeting, which was to move the Chinatown project out of

the area.

Asked about the agreement recently, Allen Cohen, who was then executive director of the Chinatown Planning Council, said Mr. Silver never asked his organization to agree to any such plan.

“We were not involved in that,” he said.

Eventually, the Koch administration selected the Chinatown Planning Council to build a 156-unit building for seniors on a lot near the main site. United Jewish Council, working with the Bialystoker Synagogue, was awarded 124 senior units in a different project nearby.

The mall plan briefly got traction, but city officials backed off when other groups got wind of it and complained.

Three years later, in April 1980, another proposal that included low-income housing was considered by the city’s Board of Estimate. It was opposed by Mr. Silver and United Jewish Council, according to records and former city officials.

“This is a compromise, and like all good compromises, no one is completely happy,” wrote a planning department official, Jolie B. Hammer, in a letter to a former colleague. “Off the record, however,” she continued “the only true objections are coming from U.J.C.”

Mr. LoCicero, the political adviser to Mr. Koch, said Mr. Silver made his opposition clear and won the support of Harrison (Jay) Goldin, then the city comptroller, who had a crucial vote on the board and coveted the Grand Street Jewish vote for future elections.

“Shelly said: ‘Are you crazy? We’ve got enough low income housing,’ ” Mr. LoCicero recalled. “He aligned himself with Jay Goldin at the Board of Estimate, and they beat us.”

Mr. LoCicero said he appreciated the concerns of the Jewish community, but opposing the Koch administration’s compromise plan just a few years after Mr. Koch’s walk along Grand Street felt like a betrayal. “You put us in here, and now you’re going to destroy us?” Mr. LoCicero said.

Soon after, Mr. Rapfogel took a post in Mr. Goldin’s office as liaison to the Jewish community. He also became head of United Jewish Council’s

development arm, South Manhattan Development Corporation, and soon after wrote an article in the group's newspaper saying his mission was to "retain the distinctly Jewish religious and cultural identity of our community."

"We wait with bated breath for the development of the Seward Park Urban Renewal Area," he wrote in 1985. "City government must never again believe that it will force more low-income housing on a community that has been made into a poverty ghetto."

Throughout the 1980s and 1990s, Mr. Silver and Mr. Rapfogel co-hosted annual legislative meetings put on by U.J.C., and later by Met Council, with the affable Mr. Rapfogel serving as the master of ceremonies and the taciturn Mr. Silver lending gravitas. Plans for the site were an occasional focus of those meetings.

That was the case in 1988, after the Koch administration selected the Lefrak Organization to build a project with a mix of commercial and residential projects on the site. Advocates for the poor opposed the plan's dearth of low-income housing. At U.J.C.'s annual legislative conference, Mr. Silver introduced the city housing commissioner, Abe Biderman, to promote the plan.

"Our job now is to follow up throughout the year to check on the progress of the items discussed," Mr. Rapfogel wrote in U.J.C.'s newspaper regarding the proposal.

That plan was eventually dropped by the city.

In 1994, Mr. Silver became speaker of the Assembly in Albany. Almost 30 years after it was cleared, the vast space on the Lower East Side remained desolate. That year he faced renewed accusations from housing advocates that he and U.J.C. had blocked plans for housing on the site to preserve his power and keep out other groups.

"They would rather have the vacant lots and rats than have minority people there," said Frances Goldin, a leader in the Lower East Side Joint Planning Council, which fought for housing on the site, speaking to The New York Times that year.

In response, Mr. Silver said he only wanted “a buildable consensus plan” in a neighborhood that was too split to proceed.

But months later, he and Mr. Rapfogel quietly put their weight behind yet another new plan, from a handpicked developer who included no housing. According to official memos, Mr. Silver asked city officials to approve a “big box” store, like Costco, on the site. The developer, Bruce Ratner, would build it. The sponsor would be the South Manhattan Development Corporation, which Mr. Rapfogel then headed.

“This proposal’s most prominent supporter is Assemblyman Sheldon Silver,” wrote Deborah C. Wright, the city’s housing commissioner under Mayor Rudolph W. Giuliani, in an internal memo. “I would love to see something positive happen here under our administration, but the conflicts here rival Bosnia!”

Charles Millard, then the head of the city’s Economic Development Corporation, wrote in another memo that Mr. Silver told him “the community does not want housing on the site.”

The plan was never publicly discussed and went nowhere.

“We had no idea Silver had done that,” said Harriet Cohen, who argued for affordable housing on the site as co-chairwoman of the Seward Park Area Redevelopment Coalition.

In the years that followed, the neighborhood underwent major changes. Jewish dominance waned. A wave of fashionable urban professionals changed the look and feel of the shops and restaurants.

Stores that sold skullcaps or kosher wine were replaced by hip wine bars and cafes. Kossar’s Hot Bialys, a Jewish institution on Grand Street, remains, but two doors down is Doughnut Plant, which sells things like Valrhona chocolate doughnuts, for as much as \$3 apiece.

At Cooperative Village, where the Rapfogels and Silvers raised their children and still live, tenants were allowed to sell on the open market beginning in 2000, after decades of values’ being capped. One two-bedroom apartment was recently on the market for \$965,000.

And the ties between Mr. Silver, Mr. Rapfogel and Mr. Ratner

strengthened.

The Rapfogels' eldest son, Michael, finished law school in 2005 and soon went to work for Mr. Ratner. The job was seen internally as a way to please Mr. Silver, say people familiar with the son's work; Mr. Ratner's company rejects the notion.

"Michael Rapfogel was hired in 2005 as a young lawyer because he is smart, a hard worker and interested in community and economic development," said Ashley Cotton, a senior vice president at Forest City Ratner Companies. "He is a valued member of our staff."

In 2006, the Public Authorities Control Board, over which Mr. Silver has significant control, approved Mr. Ratner's Atlantic Yards project in Brooklyn. Intervention by Mr. Silver and others enabled the project to retain a lucrative tax break, even as that break was actually being phased out.

In 2008, Forest City Ratner, which compared to other developers makes few political contributions, gave \$58,420 to the Democratic Assembly Housekeeping Committee, which is controlled by Mr. Silver.

That same year, Mr. Ratner helped raise \$1 million for Met Council and was honored at a luncheon given by Mr. Rapfogel and Mr. Silver. "Bruce is responsible for much of the development and growth that's gone on in Brooklyn and in Manhattan," Mr. Silver said at the event. "He is a major force in New York City for the good."

By 2011, with all the neighborhood changes, consensus finally seemed possible. The local community board adopted development guidelines that included 800 to 1,000 apartments, with 20 percent, or as few as 160 units, set aside for low-income tenants, and another 10 percent for low-income seniors. Mr. Silver gave the guidelines his blessing. Longtime advocates went along, seeing a portion of something as better than all of nothing.

"Hopefully it will move forward, but it should not have taken 40 years," said Mr. Delgado. "It's sad because the truth is that they have more in common with us than with the millionaires moving in now."

Developers bidding for the Seward Park site were required to team up with a local nonprofit. Mr. Ratner chose Mr. Rapfogel's Met Council. As the

process was nearing a close last year, Mr. Rapfogel was arrested. On Sept. 18, another bidder was selected.

In announcing the new plan, the city said priority would be given to some of the mostly Puerto Rican families displaced four decades ago. Construction is expected to begin next year.

Mr. Delgado says he has kept in touch with some former neighborhood occupants, and though most are scattered apart and elderly, he hopes their children will have a chance to return.

Mr. Silver has steadfastly stood by Judy Rapfogel. But as to his long alliance with Mr. Rapfogel, that is done. "Let's be clear," he said in a recent interview, "I have nothing to do with Willie Rapfogel."

Correction: March 30, 2014

Because of an editing error, a headline on an article last Sunday about a long-running effort by the State Assembly speaker, Sheldon Silver, and his ally William E. Rapfogel to prevent the construction of low-income housing on a lot on the Lower East Side misstated, in some editions, the length of time the two men worked together to keep the lot vacant. It was nearly four decades, not 47 years. (The lot has been vacant for 47 years.)

Correction: April 2, 2014

An article on March 23 about a long-running effort by the State Assembly speaker, Sheldon Silver, and his ally William E. Rapfogel to prevent low-income housing development on a lot on the Lower East Side omitted a category of housing required in the 2011 community board guidelines for the lot. Besides setting aside about 20 percent of units for low-income housing, the guidelines sought another 10 percent of units for low-income seniors.

Thomas Kaplan contributed reporting.

A version of this article appears in print on March 23, 2014, on page MB1 of the New York edition with the headline: They Kept a Lower East Side Lot Vacant for Decades.

SCHEDULE 13

Former Assemblymember Vito Lopez: On February 12, 2013, the Commission issued a Substantial Basis Investigation Report in the matter of Assemblymember Vito Lopez, concluding the first ever independent ethics investigation of a sitting Legislator. During the course of the five-month investigation, the Commission issued 49 subpoenas, interviewed more than 45 individuals, and reviewed approximately 20,000 pages of documents that were produced to the Commission. The investigation concluded with the issuance of a Substantial Basis Investigation Report which was unanimously approved by the Commission.

The Commission found that Assemblymember Lopez violated the public trust, abused his public office and political power to serve his personal interests, and misappropriated State resources. Specifically, the Commission's investigation revealed that since at least 2010, Lopez engaged in an escalating course of conduct with respect to multiple female staff members that began with demeaning comments about appearance and dress as well as demands for fawning text and email messages, increased to requirements for companionship outside the office, and culminated in attempted and forced intimate contact. The investigation found that Lopez violated the Public Officers Law by using his official position – through bonuses, raises, promotions and threats of adverse employment action – to compel these same female employees to comply with this inappropriate requests and demands. Based upon the evidence developed through the investigation, the Commission found that (i) Lopez used the powers and perks of his position as a member of the Assembly to engage in knowing, willful, and prolonged mistreatment of certain female members of his Assembly staff; (ii) Lopez engaged in a pervasive pattern of abuse of public office and resources, not for a personal financial gain, but to indulge his personal whims and desires; and that (iii) by this conduct, Lopez indisputably breached the public trust and thereby violated the Public Officers Law.

As required under Executive Law §94, the Commission presented its Report to the LEC for its consideration. In May of 2013, Assemblymember Lopez resigned from office. On June 11, 2013, the LEC issued a Disposition and Notice of Civil Assessment in which it concurred with the Commission's conclusions of law that there was a substantial basis to find that

SCHEDULE 14



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News

Assemblyman Vito Lopez Expresses Contempt For 'Politically Motivated' Allegations

Speaker Silver Says Sex Harassment Case Mishandled, Not Covered-Up

September 4, 2012 9:47 PM

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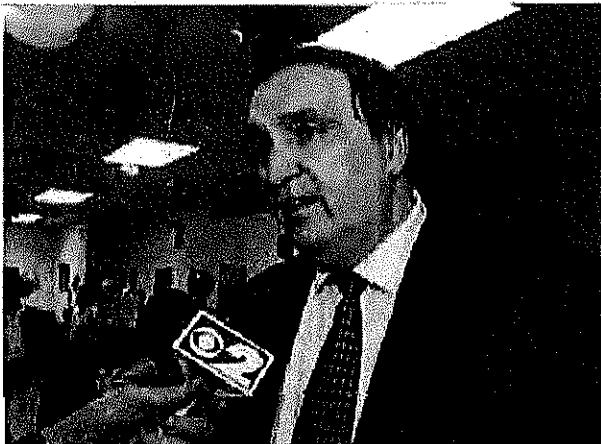
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Former Assemblyman Vito Lopez (Photo: CBS 2)

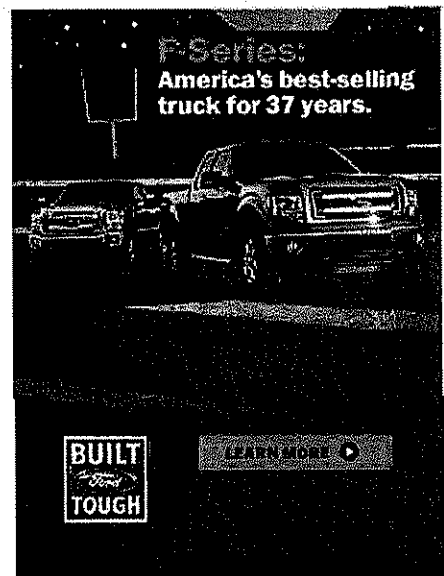
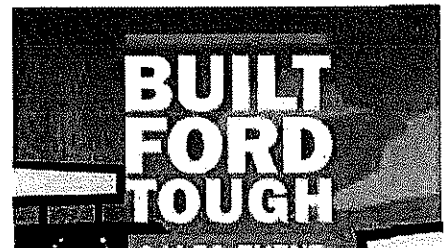
Related Tags: Assembly Speaker Sheldon Silver, Assemblyman Vito Lopez, National Organization of Women, Sonia Ossorio, Tony Aiello

NEW YORK (CBSNewYork) – Brooklyn Assemblyman Vito Lopez responded sternly to the allegations of sexual harassment levied against him in a statement released Tuesday evening.

Calling the allegations "politically motivated," Lopez also expressed disdain for what he called "unethical or illegal leaks" about the six-figure secret payout to Lopez's accusers. He said both the allegations and leaks were done "with the principle motive of destroying my credibility and election options."

Lopez said he would "not capitulate to those self-serving tactics and demands," adding that he believes "the people should decide who should represent them."

Meanwhile, the powerful speaker of the New York State Assembly said he did not cover up the case. After a week of silence, Sheldon Silver spoke out Tuesday as a state ethics watchdog appears to be starting up an investigation.



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On Tuesday up in Albany there was a rare special meeting of the Joint Commission on Public Ethics, known as "JCOPE." Cameras were kicked out as the ethics panel went into executive session. It's widely assumed JCOPE is investigating alleged sex harassment by Assemblyman Lopez, and, perhaps, Speaker Silver's approval of a six-figure secret payout to Lopez's accusers, CBS 2's Tony Aiello reported.

At the Democratic National Convention in Charlotte, N.C., Silver told CBS 2's Marcia Kramer the case was mishandled, not covered-up.

"[It's] a mistake that won't happen again. Clearly it was wrong of us to do what we did and go along with the confidentiality," Speaker Silver said.

Former Assemblyman Michael Benjamin said he doesn't believe Silver would try to protect Lopez, who Benjamin sees as a throwback to a different era of how men treated women.

"I think Shelly's weathered the storm. I don't believe he's done anything illegal or unethical," Benjamin said. "It's an outdated culture. It was wrong then and it's wrong now."

As for Silver, some recall an earlier scandal, when a top silver aide, Michael Boxley, sexually assaulted a young woman. The victim collected \$500,000 after settling a lawsuit that claimed Silver mishandled an earlier complaint about Boxley, and tolerated a culture of sex harassment.

"It was shocking and incredibly disappointing to be here more than a decade later and think, my goodness, did he not learn anything from that incident in his own office?" said Sonia Ossorio, Executive Director of the National Organization of Women-NYC.

As JCOPE opens an investigation, Silver is promising full cooperation.

Lawmaker support for Silver has been strong, but on Tuesday a Democrat running for an upstate Assembly seat said he does not believe silver should be re-elected as speaker.

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SCHEDULE 15

METRO

Silver's unspoken history of payoffs

By Isobel Vincent

September 16, 2012 | 4:00am



Charmian Neary

When Speaker Sheldon Silver authorized \$103,000 be paid to the alleged sexual-harassment victims of Assemblyman Vito Lopez, his office said the secret payout was the only one of its kind. It wasn't.

In 1992 a young Assembly aide claimed she was harassed by her boss. Three years later Speaker Silver arranged for a quiet \$85,000 payment to make it go away.

"Shelly doesn't give a damn about women," said a source close to the case.

"You can be in the same room with him, and it's like you don't exist. He is a creepy, soulless individual. You can put your hand through him."

At the center of the scandal was Charmian Neary, a petite, blond assistant who worked for Manhattan Democratic Assemblyman Mark Alan Siegel from January to July 1990.

Neary charged that her married boss continually discussed sex with her and her female colleagues and tried to convince Neary to have an affair with him. In 1993, after a legislative probe of her accusations went nowhere, she filed a lawsuit against the Assembly.

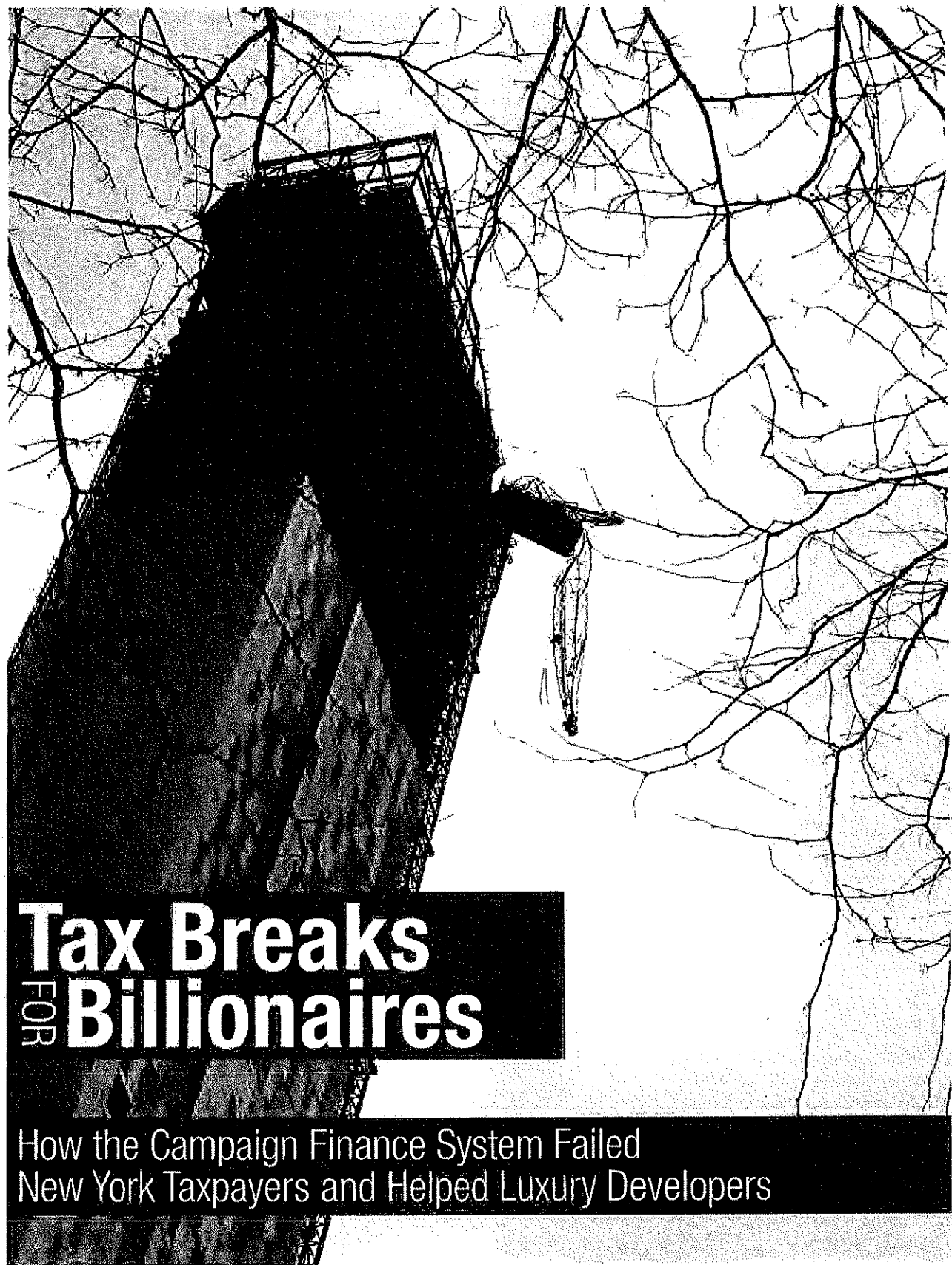
In 1995, Silver, who had become speaker a year earlier, arranged for the settlement.

The source said Silver was closely involved in the settlement and 'sent out his surrogates' to discredit Neary.

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SCHEDULE 16



Tax Breaks FOR Billionaires

How the Campaign Finance System Failed
New York Taxpayers and Helped Luxury Developers

Tax Breaks FOR Billionaires

How the Campaign Finance System Failed
New York Taxpayers and Helped Luxury Developers

A report issued by

The Metropolitan Council on Housing

A citywide tenant union

339 Lafayette Street, Suite 301
New York, NY 10012

Contact

Jaron Benjamin

Executive Director

(718) 864-3932

jaron@metcouncilonhousing.org

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Does the owner of a \$90 million dollar penthouse deserve a tax break?

Governor Andrew Cuomo and the state legislature sure seem to think so.

In January, the legislature quietly passed a multi-million dollar giveaway in the form of a tax subsidy for five Manhattan luxury towers, including One57 at 157 West 57 Street. Governor Cuomo approved the big tax break as part of a larger housing bill, which he signed this January 30.

Developed by the Extell Development Company, One57 is appropriately called the “Billionaires Tower”: among the beneficiaries of the tax break is billionaire hedge-fund manager Bill Ackman, who purchased a penthouse in the building, according to the Wall Street Journal.¹ One57 drew public attention last year when its crane snapped in Hurricane Sandy and dangled 90 stories over Midtown for several days.

The tax breaks for One57 and the four other towers are part of the 421-a program, a city program originally intended to spur development and later revised to encourage affordable housing construction as well. Changes in the program, named after the section of the state tax code that established it, require state legislative approval.

Affordable housing advocates agree that the 421-a program has long outlived its usefulness and effectiveness, but Albany lawmakers approved the giveaway nevertheless.

That’s because a handful of developers wanted it, and expected it, after contributing heavily to the campaign chests of state legislators, party committees and the governor himself. Cuomo was the biggest recipient of campaign cash from the developers who benefited most directly from the wasteful tax breaks. Assembly Democrats and Senate Republicans also raked in substantial contributions—\$136,400 alone for the Assembly campaign committees and \$98,000 for the Republican Senate Campaign Committee.

Swindling: How Millions in Tax Breaks Were Engineered by and for Luxury Developers

In this report, the Metropolitan Council on Housing reviews what the luxury real-estate developers spent and what they received in return. We focus particularly on One57 because more data are available for that development.

New construction in midtown Manhattan is ineligible for the 421-a tax subsidy unless the development includes on-site affordable units, which One57 and the other towers lacked. But the five developers wanted the tax breaks anyway.

With their campaign contributions, developers of the five luxury towers had a goal: Get the legislature to let them take advantage of the 421-a program anyway, which would offer a substantial city tax break. Specifically, the legislature had to allow the five developments – located at 99 Church Street, 520 Fifth Avenue, 157 West 57 Street, 109 Nassau Street

and 78-86 Trinity Place – to get the 421-a tax breaks even though the buildings would not normally be entitled to them.

The reason Albany lawmakers agreed to spend millions subsidizing luxury housing for the wealthy is clear: developers who contributed to their campaigns called in chits and expected to be rewarded.

Following the Money: Luxury Developer Contributions to Cuomo and State Legislators²

Key Findings:

- Combined, developers of four of the five luxury buildings gave at least **\$440,962** to PACs, state offices, and political parties in 2012 alone. (After an exhaustive search, we were not able to obtain data for the developer of the fifth building.)
- **Governor Cuomo**, who had to sign the 421-a legislation, received **\$150,000** from the four developers in 2012. He was the biggest recipient of cash from these developers last year.
- Contributions from Extell Development Company and its principals, owners of One57, accounted for **\$229,262** of the 2012 total. Extell has given a whopping **\$771,436** to state committees and campaigns since 2005, spent **\$74,500** lobbying New York City on One57 alone and spent tens of thousands of dollars more lobbying the city and state to get new permits for its crane, among other issues.
- Contributions to party committees, which benefit the most powerful legislators who control the movement of legislation, were also sizable: **Republican Party committees received \$53,000 and Democratic Party committees received \$34,000** from the four developers in 2012.
- Overall, these four companies gave more than **\$1.5 million** (\$1,531,531) to state elected officials, political parties and real-estate PACs between 2008 and 2012.

Contributions by Developer

Developer	2008	2009	2010	2011	2012	Totals
Extell / Barnett	\$104,276	\$8,861	\$46,611	\$4,411	\$229,262	\$393,421
Fisher Brothers	\$72,500	\$13,500	\$285,000	\$13,800	\$60,000	\$444,800
Silverstein	\$61,350	\$4,000	\$283,200	\$10,000	\$114,100	\$472,650
Thor / Sitt	\$60,710	\$50,950	\$59,300	\$12,100	\$37,600	\$220,660
Totals	\$298,836	\$77,311	\$674,111	\$40,311	\$440,962	\$1,531,531

Contributions by Recipient*

Office or Category	2008-2011	2012	Totals
Real estate PACs	\$195,269	\$100,262	\$295,531
Governor	\$136,500	\$150,000	\$286,500
Senate	\$208,950	\$58,600	\$267,550
Democratic Party	\$223,350	\$34,000	\$257,350

Republican Party	\$114,500	\$53,000	\$167,500
Independence Party	\$85,000	\$30,000	\$115,000
Assembly	\$62,500	\$5,100	\$67,600
Attorney General	\$53,500	\$10,000	\$63,500
Conservative Party	\$10,000	\$0	\$10,000
Comptroller	\$1,000	\$0	\$1,000
Totals	\$1,090,569	\$440,962	\$1,531,531

*Includes multiple office-holders.

This bill “has some important things in it, but it’s also a perfect example of what goes wrong in the wheeling-dealing of the backrooms of Albany.”

— State Senator Liz Krueger during the debate on the bill.

The bill (Chapter 4, Laws of 2013) that gave the luxury developers tax breaks included other provisions, such as an uncontroversial renewal of tax abatements for co-op and condo owners and expanded protections for loft tenants, but also included other questionable tax breaks and benefits.³

That a handful of real-estate developers were able to win such a huge giveaway is a reflection of their outsized influence and just how broken the current campaign finance system is. Even legislators who have a long history of favoring the expansion of affordable housing voted for the bill, since it contained items they favored. But the 421-a tax breaks went beyond the typical horse-trading in the legislature.

A Perverse Trade-off: Tax Breaks for Luxury Apartments, Fewer Resources for Other Needs

One57, the “Billionaires’ Tower,” is a luxury high-rise near Carnegie Hall. The two penthouses sold for \$90 million each, and the rest of the building has panoramic views, a “pet wash room” and private sauna and spa. The building also offers storage lockers for as much as \$200,000 a piece.

Thanks to the 421-a tax break, each of the two One57 penthouse owners will save more than one million dollars in city taxes over ten years (\$2.4 million combined). What about the other apartments?

Developers will get \$2 million in tax breaks from six other units over ten years, according to one estimate.⁴ Data on the tax break values for the other 127 residential units (there are 135 total) are not publicly available, but it will likely amount to millions of dollars over the next decade.

Data on the value of the tax breaks in the other four buildings (99 Church Street, 520 Fifth Avenue, 109 Nassau Street and 78-86 Trinity Place) are not publicly available either, in part because construction is not complete and the New York City Department of Finance hasn’t assessed the value of the properties.

Appendix Table: Developer Contributions, 2010-2012

Recipient	Office	Total
REAL ESTATE BOARD PAC	PAC	\$265,500
ANDREW CUOMO 2014, INC.	Governor	\$157,000
INDEPENDENCE PARTY OF N.Y. CAMPAIGN ACCOUNT (NY. - NEW YORK)	Independence Party	\$115,000
NYS SENATE REPUBLICAN CAMPAIGN COMMITTEE	Republican Party	\$98,000
NYS DEMOCRATIC ASSEMBLY CAMPAIGN COMMITTEE HOUSEKEEPING (DACC)	Democratic Party	\$90,000
NYS DEMOCRATIC ASSEMBLY CAMPAIGN COMMITTEE (DACC)	Democratic Party	\$46,000
SCHNEIDERMAN FOR ATTORNEY GENERAL, INC.	Attorney General	\$34,500
SIMCHA NY	State Senate	\$33,600
FRIENDS OF BOB COHEN	State Senate	\$28,500
QUINN FOR NY	State Senate	\$28,500
NYS DEMOCRATIC SENATE CAMPAIGN COMMITTEE (NYS DSCC)	Democratic Party	\$28,000
KINGS COUNTY DEMOCRATIC COUNTY COMMITTEE	Democratic Party	\$25,800
VALESKY FOR SENATE	State Senate	\$24,000
NEW YORK CITY PARTNERSHIP STATE PAC	PAC	\$15,000
NEW YORKERS ON THE BALL	State Senate	\$14,500
DINALLO FOR ATTORNEY GENERAL, INC.	Attorney General	\$10,000
FRIENDS OF ANDREA STEWART-COUSINS	State Senate	\$10,000
PATERSON FOR GOVERNOR, INC.	Governor	\$10,000
SCHNEIDERMAN 2014	Attorney General	\$10,000
STATE CONSERVATIVE CAMPAIGN COMMITTEE	Conservative Party	\$10,000
FRIENDS OF AUBERTINE	State Senate	\$9,500
FRIENDS OF CRAIG JOHNSON	State Senate	\$9,500
ZELDIN FOR SENATE	State Senate	\$9,500
KATHLEEN RICE 2010	Attorney General	\$9,000
BROOK-KRASNY FOR ASSEMBLY	Assembly	\$7,900
FRIENDS OF SILVER	Assembly	\$7,100
FRIENDS OF CARL (KRUGER)	State Senate	\$6,000
CARLUCCI FOR NEW YORK	State Senate	\$5,000
COMMITTEE TO ELECT ERIC ADAMS	State Senate	\$5,000
ULRICH FOR SENATE	State Senate	\$5,000
BRONX DEMOCRATIC COUNTY COMMITTEE - II	Democratic Party	\$3,800
FRIENDS OF SCHNEIDERMAN	State Senate	\$3,000
COMMITTEE TO RE-ELECT JOHN SAMPSON	State Senate	\$2,750
CITIZENS FOR DILAN	State Senate	\$2,500
FRIENDS OF MARTIN GOLDEN	State Senate	\$2,500
FRIENDS OF SQUADRON	State Senate	\$2,500
HOYLMAN FOR SENATE	State Senate	\$2,500
COMO FOR SENATOR	State Senate	\$2,000
FRIENDS OF DAVID WEPRIN	Assembly	\$2,000
FRIENDS OF MIKE GIANARIS	State Senate	\$2,000
DEMOCRATIC ORGANIZATION OF QUEENS COUNTY	Democratic Party	\$1,400
HAKHEEM JEFFRIES FOR ASSEMBLY	Assembly	\$1,000
PEOPLE FOR BING	Assembly	\$1,000
PERALTA FOR SENATE	State Senate	\$1,000
RSA PAC	PAC	\$784
Grand Total		\$1,158,134

SCHEDULE 17

Assembly Speaker Sheldon Silver behind tax breaks to five luxury developers: sources

Two developers who stood to benefit from the tax breaks gave Cuomo big donations days before his bill-signing. Several sources involved in the process identified Silver as the creator of the lucrative tax relief.

BY KENNETH LOVETT NEW YORK DAILY NEWS Published: Sunday, August 18, 2013, 2:00 AM
Updated: Sunday, August 18, 2013, 5:05 AM

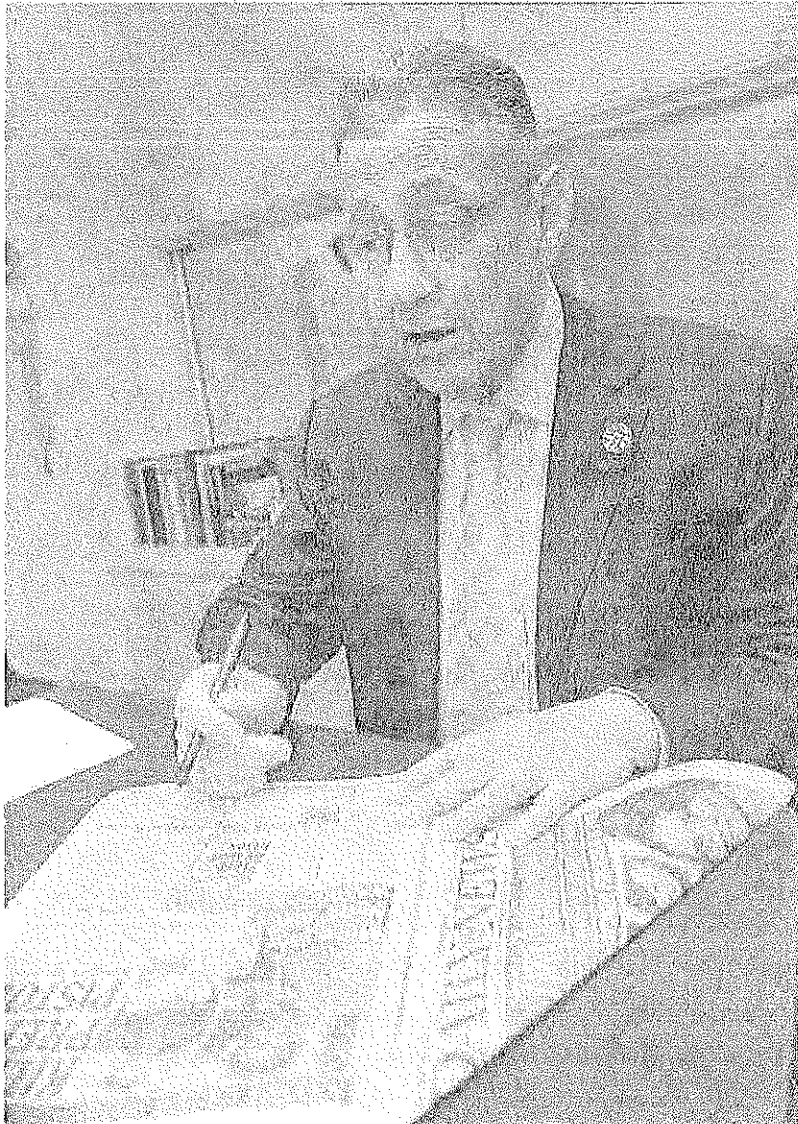
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TODD MAISEL/NEW YORK DAILY NEWS

Assembly Speaker Sheldon Silver has been revealed as the anonymous benefactor who slipped tax breaks for five luxury developers into a housing bill.

ALBANY — He's a mystery man no more.

The anonymous benefactor who tucked lucrative tax breaks for five major city developers into a housing bill was Assembly Speaker Sheldon Silver, the Daily News has learned.

Several sources involved in the process identified Silver as the source of the quintet's gold.

Bill sponsors and legislative officials speculated and pointed fingers for weeks when asked about the origin of the controversial abatements. One 57th St. building in Manhattan was projected to save \$35 million over 10 years.

The tax breaks, delivered to developers of luxury housing towers, became tangled in negotiations last year involving various other housing programs.

The different aspects were eventually combined into one comprehensive bill that ultimately passed in January.

Steven Spinola, president of the influential Real Estate Board of New York, said his group had been asking to have properties citywide that once were eligible for a decades-old 421a residential tax

Assembly Speaker Sheldon Silver behind tax breaks to five luxury developers: sources - NY Daily News
abatement to again qualify for the program.

But Mayor Bloomberg's budget staff warned it was impossible to know how many projects would be covered by such a change. Assembly Democrats also objected to extending the tax breaks citywide.

Spinola said City Hall and Silver's chief counsel, James Yates, instead each asked for a list of specific properties that the organization wanted covered.

Spinola delivered the list to the mayor's office, the Assembly Democrats and the state Senate. The city had two conditions, but was otherwise fine with it, Spinola said.

The city was more focused on extending a different tax break program for co-op and condo owners.

The Assembly pushed to expand protections for loft tenants. There were also talks to extend a property tax exemption program for renovators of residential apartment buildings.

The issues were intermingled in a single bill, with little public attention given to the developers' tax breaks until exposed by the Daily News last month.

The anti-corruption commission appointed by Gov. Cuomo is looking into the matter, having subpoenaed the five developers.

Silver spokesman Michael Whyland wouldn't confirm or deny Spinola's account.

"Like any bill involving the city, it was the product of four-way negotiations" with the city, the Assembly, the Senate and the governor's office, Whyland said.

A Bloomberg spokesman had no comment.

The News recently reported that two developers who stood to benefit from the tax breaks gave Cuomo big donations days before his bill-signing.

Cuomo says he had no role in the writing of the bill, and his aides note the governor vowed to sign the legislation last summer. The developers maintain the donations and the bill are not linked.

klovett@nydailynews.com

SCHEDULE 18

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CELESTE KATZ

DAILY POLITICS

Assemblyman Keith Wright Sent Letter Acknowledging Developer Tax Breaks In Bill

BY KEN LOVETT THE DAILY POLITICS Published: Monday, August 26, 2013, 6:15 AM
Updated: Monday, August 26, 2013, 6:45 AM

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Here is the second item from my "Albany Insider" column today:

A letter Assemblyman Keith Wright signed suggests he knew more than he has acknowledged about a housing bill he sponsored at the behest of Assembly Speaker Sheldon Silver that gave five developers juicy tax breaks.

Sources said last week that Wright was unaware of the details of the bill and furious with Silver for asking him to sponsor it.

But Wright, the Silver-appointed Housing Committee chairman, referenced the tax breaks in a three-page January letter urging his fellow Assembly Dems to vote for the legislation.

Wright wrote that the overall bill would expand protections for loft tenants, extend a tax break for co-op and condo owners and provide more affordable housing opportunities.

"The bill also includes provisions that would grandfather five projects into the 421-a tax abatement and exemption program, so that they would be eligible for benefits..." the Jan. 25 letter says. "These projects are located in lower and midtown Manhattan."

A source close to Wright insisted that the letter was prepared by the speaker's office "and doesn't change the fact that Keith was never told how or why the developers were put in the bill."

Cuomo's anti-corruption commission has subpoenaed the five developers, one of whom - Extell Development - stands to save \$35 million over 10 years on its luxury 57th St. residential tower.

The bill, Wright wrote, was the result of "compromises" made during three-way talks among the Assembly, Senate and city.

An Assembly insider said Queens Democrat Edward Braunstein had sought to be the bill's prime sponsor but was big-footed by Wright as the committee chairman.

edward braunstein , extell development , keith wright , sheldon silver

COMMENTS

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JOINT COMMISSION ON PUBLIC ETHICS

**COMPLAINT AND REQUEST FOR INVESTIGATION OF
SHELDON SILVER, SPEAKER OF THE ASSEMBLY**

By: MAUREEN KOETZ

Date: September 17, 2014