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THE SENATE
STATE OF NEW YORK



SENATOR
ANTHONY H. PALUMBO
1ST SENATE DISTRICT

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September 7, 2021

Governor Kathleen C. Hochul
NYS State Capitol Building
Albany, NY 12224

Dear Honorable Hochul:

I write in follow up to my August 20 letter regarding the urgent need for the rehabilitation of the Joint Commission on Public Ethics (JCOPE). With the most recent announcement of three appointees resigning, it is now even more important that changes be made.

As you and your new administration work to implement more transparency and accountability than we saw from the former administration and to hopefully rehabilitate JCOPE, I request that in the meantime, you expeditiously appoint new JCOPE members who are qualified, competent individuals and who are willing to serve the state, as opposed to protecting their appointing authority.

Appointing new members to temporarily fill these positions is critical so that vacancies will not prevent the commission from functioning at its next meeting scheduled for September 14th. Regrettably, this could result in the stealth improper exoneration of the former governor by JCOPE on various matters, which would be wholly unacceptable. Alternatively, by swiftly appointing new members, you have the opportunity to appoint individuals who can help JCOPE thoroughly investigate the numerous potential improprieties committed by the former governor. Public officials are not above the law and should not be treated as so.

Since Governor Cuomo announced his resignation, three JCOPE commissioners appointed by him have announced their resignations, two of which are democrats. JCOPE is made up of 14 members, and the governor has six appointments, three Democrats and three Republicans. If JCOPE votes on whether to open a new investigation of the former governor Andrew Cuomo for illegal or unethical conduct or votes on whether he engaged in such conduct, and the two democrat commissioners' seats are vacant, then even if all 12 other JCOPE members vote in favor of such investigation, the vote will fail and there will be no investigation by JCOPE.

Importantly, because of confidentiality laws governing JCOPE, the public may never even know such votes took place.

It is troubling and frankly unconscionable, given how the voting rules of JCOPE operate, that these vacancies could result in a situation where JCOPE confidentially considers taking action on any of the numerous serious allegations and the vacant seats would operate as a confidential veto, in effect exonerating the former governor for those matters. This would be an offensive outcome.

For these reasons, it is imperative that you seek to fill these positions promptly.

Thank you for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'APalumbo', with a long horizontal flourish extending to the right.

Anthony Palumbo
State Senator, 1st District