



*New York State  
Ethics Commission  
for the Unified Court System*

*2017 Commission Report  
For Reporting Year 2016*

***Commissioners***

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## THE COMMISSION

The Ethics in Government Act of 1987 was enacted in order to promote public confidence in government, to prevent the use of public office to further private gain, and to preserve the integrity of governmental institutions. Pursuant to the Act, as codified in Section 211(4) of the Judiciary Law, the Chief Judge caused the Chief Administrator of the Courts to promulgate rules or regulations regarding the filing of annual statements of financial disclosure in the Unified Court System. See Appendix A.

The Chief Administrator promulgated the Chief Judge's Rule, 22 NYCRR Part 40, establishing the Ethics Commission for the Unified Court System, and delineating its powers and duties. Since 1990, the Ethics Commission for the Unified Court System ("Commission") has been responsible for administering the distribution, collection, review and maintenance of annual financial disclosure statements filed by judges, justices and certain nonjudicial officers and employees of the Unified Court System.

Pursuant to the Chief Judge's Rule, the Commission promulgated regulations governing its procedures, 22 NYCRR Part 7400. See Appendix B.

All Commission rules, procedures and forms are available on the Ethics Commission website which is located through the Intranet on the Unified Court System home page under "Topics A to Z", or through the Internet at [www.nycourts.gov/ip/ethics](http://www.nycourts.gov/ip/ethics).

The Ethics Commission is comprised of five members appointed by the Chief Judge. Two members must be State Judges or Justices, and at least two shall not be public officers or employees. The chair is designated by the Chief Judge. The Commissioners serve without compensation, and since February 2000, terms are limited to five years.

In 2017, the members of the Commission were:

**Hon. William F. Mastro**, Chair, Associate Justice, Appellate Division, Second Department. Justice Mastro was appointed to the Commission as Chair in January, 2011 to complete a predecessor Commissioner's term; he was re-appointed in November, 2013.

**Tracee E. Davis, Esq.**, an attorney in private practice in New York City. Ms. Davis was appointed to the Commission in November, 2016.

**Antonio Galvao, Esq.**, Office of Court Administration Deputy Counsel. Mr. Galvao was appointed to the Commission in April, 2014. He left the Commission in October, 2017.

**Lisa DiPoala Haber, Esq.**, an attorney in private practice. Ms. Haber was appointed to the Commission in December, 2017.

**Kathryn Grant Madigan, Esq.**, an attorney in private practice in Binghamton, New York. Ms. Madigan was appointed to the Commission in December, 2012. Her term expired in December, 2017.

**Hon. Erin M. Peradotto**, Associate Justice, Appellate Division, Fourth Department. Justice Peradotto was appointed to the Commission in January, 2011 to complete a predecessor Commissioner's term; she was re-appointed in November, 2011. Justice Peradotto's term expired in November, 2016; she was held over as Commissioner until her successor was appointed in May, 2017.

**Rosemary Garland-Scott**, Chief of Staff of the NYS Judicial Institute. Ms. Garland Scott was appointed to the Commission in November, 2017.

**Hon. Shirley Troutman**, Associate Justice, Appellate Division, Fourth Department. Justice Troutman was appointed to the Commission in May, 2017.

In 2017, there were three Commission staff members, Janice Howard, Executive Director; Milagros Davila Butler, Senior Court Analyst and Zev Zeilingold, Senior Court Analyst.

## FINANCIAL DISCLOSURE

Pursuant to the Ethics in Government Act, as codified in Section 211(4) of the Judiciary Law, the Chief Judge approved an annual statement of financial disclosure for use in the Unified Court System ("UCS") that is substantially similar to the statement set forth in Public Officer's Law §73-a. See the 2016 financial disclosure form in Appendix C. The first statements were filed in 1991, pertaining to calendar (reporting) year 1990.

Pursuant to 22 NYCRR Section 40.2 (a), the following individuals are required to file financial disclosure statements with the Commission:

(a) all state-paid judges or justices of the Unified Court System regardless of their annual rate of compensation, and (b) all nonjudicial officers or employees of the Unified Court System who (1) receive annual compensation at a rate in excess of the amount mandated by Section 130(1)(a) of the Civil Service Law, and are not otherwise exempted from filing, or (2) are designated as policymakers for the purposes of financial disclosure, regardless of their annual rate of compensation. The annual compensation rate for reporting year 2016 was \$91,821.00.

Commencing in 2006, pursuant to 22 NYCRR Section 100.5(A)(4)(g), certain candidates for judicial office, who are not employees of the Unified Court System required to file pursuant to 22 NYCRR Part 40, must file financial disclosure statements with the Ethics Commission within twenty days of becoming candidates. See Appendix D.

Individuals who met the filing requirements and were employed by the Unified Court System from January 1, 2017 through April 15, 2017, were required to file their 2016 statements on or before May 15, 2017. Individuals who met the filing requirements and who commenced employment after April 15, 2017, were required to file within thirty days of commencing employment. A filer could request an extension of time to file due to justifiable cause or undue hardship.

Judges, justices and nonjudicial officers and employees of the Unified Court System may file financial disclosure statements online, or by completing paper forms that must be mailed or hand delivered to the Commission. In 2017, seventy-six percent of all filings were done online. Judicial candidates do not have access to online filing.

In February of each year, the Chief Administrator of the Courts must file with the Commission a list of the judges, justices and nonjudicial officers and employees who hold "policymaking" positions as determined by:

- (1) the Chief Judge of the Court of Appeals, as to personnel of that court;
  - (2) the Presiding Justice of each Appellate Division, as to personnel of that court;
- and
- (3) the Chief Administrator of the Courts, as to all other State-paid personnel of the Unified Court System.

See Appendix E for a list of the job titles held by such employees.

Every year, the Commission reviews its forms, and systems and procedures to ascertain what changes can be made to make them even more efficient, accurate, user friendly, current and environmentally sound than the year before. In 2017, question 19 of the financial disclosure statement was amended. Prior to reporting year 2016, a filer was required to report information pertaining to certain debts in excess of \$5,000.00. Commencing with reporting year 2016, a filer is required to report information pertaining to certain debts in excess of \$10,000.00.

Working in cooperation with the State Commission on Judicial Conduct and the Office of Court Administration, the Ethics Commission continues to maintain a standard of compliance that accomplishes and promotes the purposes and goals of the Ethics in Government Act. The transparency provided by financial disclosure, and public access to it, remains an important factor in maintaining public confidence in the integrity of the New York State judicial system.

**FILERS**  
22NYCRR§40.2  
(See Table 1)

A total of 5,637 judges, justices and nonjudicial officers and employees of the Unified Court System were required to file financial disclosure statements pertaining to reporting year 2016.

1,234	judges and justices of the Unified Court System
4,403	nonjudicial officers and employees who were required to file by virtue of their rate of annual compensation or by virtue of the fact that they had been designated as policymakers

A total of 4,277 judges, justices and nonjudicial officers and employees filed electronically.

**Judicial Candidates**

22NYCRR§100.5(A)4(g)  
22NYCRR§7400.7

A total of 60 judicial candidates, not employed by the Unified Court System, filed financial disclosure statements pertaining to reporting year 2016.

**TABLE 1**

**JUDGES, JUSTICES AND NONJUDICIAL OFFICERS AND  
EMPLOYEES REQUIRED TO FILE**

	<u>Judicial</u>	<u>NonJudicial</u>	<u>Total</u>	<u>Electronic</u>
RY 2016	1234	4403	5637	4277
RY 2015	1232	4329	5561	4060
RY 2014	1225	4169	5394	3731
RY 2013	1196	4182	5378	3438
RY 2012	1180	4303	5491	2863
RY 2011	1189	4250	5439	3080
RY 2010	1228	4123	5351	2753

"RY" denotes reporting year

## FILING EXCEPTION REQUESTS

### **Individual and Job Title Filing Exemption Requests**

22NYCRR§40.1(i)(8)

22 NYCRR§7400.1

A judge, justice, or nonjudicial officer or employee of the Unified Court System required to file a financial disclosure statement, who has not been determined to be a policymaker, may request an exemption from filing on the grounds that the public interest does not require disclosure and that the employee's duties do not involve certain activities enumerated in the Chief Judge's Rule.

Employee organizations may request filing exemptions on behalf of all employees who share the same job title. The employees in the job titles listed in Appendix F were exempted from filing 2016 financial disclosure statements.

See Appendix B, Commission Procedures, for the factors weighed by the Commission in deciding filing exemption requests.

The Commission received 4 individual filing exemption requests regarding statements pertaining to calendar year 2016. All the requests were denied.

The Commission did not receive any job title filing exemption requests.

The Commission is not authorized to accept filing exemption requests from judicial candidates filing pursuant to 22 NYCRR Part 100.

**"Family" Exemption Requests** (see Table 2)

22NYCRR§40.1(i)(7)  
22NYCRR§7400.3

A judge, justice, or nonjudicial officer or employee of the Unified Court System required to file a financial disclosure statement may request an exemption from reporting one or more items of information that pertain to his or her spouse or unemancipated children on the grounds that the information will have no material bearing on the discharge of the employee's official duties. See Appendix B, Commission Procedures, for the factors weighed by the Commission in deciding "family" exemption requests.

Exemption requests pertaining to spouses or unemancipated children were filed by 6 judges, justices, and nonjudicial officers and employees pertaining to reporting year 2016.

6 requests were granted
0 requests were denied

The Commission is not authorized to accept family information filing exemption requests from judicial candidates filing pursuant to 22 NYCRR Part 100.

**Deletion Requests** (see Table 3)

22NYCRR§40.1(i)(6)  
22NYCRR§7400.4

A judge, justice, or nonjudicial officer or employee of the Unified Court System, or a judicial candidate, required to file a financial disclosure statement may request the deletion of one or more items of information from the copy of his or her financial disclosure statement made available for public inspection on the grounds that the information will have no material bearing on the discharge of the employee's official duties. See Appendix B, Commission Procedures, for the factors weighed by the Commission in deciding such requests.

Deletion requests were filed by 17 judges, justices, and nonjudicial officers and employees for reporting year 2016.

14 requests were granted in full or in part
3 requests were denied in full

No judicial candidate filed a deletion request.

**TABLE 2**

**FAMILY EXEMPTION REQUESTS**

	<u>Granted</u>	<u>Denied</u>
RY 2016	6	0
RY 2015	7	0
RY 2014	10	0
RY 2013	6	0
RY 2012	11	0
RY 2011	9	0
RY 2010	11	2

**TABLE 3**

**DELETION REQUESTS**

	<u>Granted</u>	<u>Denied</u>
RY 2016	14	3
RY 2015	20	3
RY 2014	24	5
RY 2013	25	0
RY 2012	28	4
RY 2011	28	2
RY 2010	32	1

"RY" denotes reporting year

**REVISIONS**  
22NYCRR§40.1(i)(5)  
(see Table 4)

The staff of the Commission reviews every financial disclosure statement filed by a judge, justice, or nonjudicial officer or employee of the Unified Court System to verify that all questions have been answered fully, consistently and clearly. Statements filed by judicial candidates are not reviewed.

Any statement determined to be incomplete, inconsistent or unclear must be revised. A total of 5,631 statements were filed for reporting year 2016; of these, 461 had to be revised. It is notable that of the 1,354 paper statements filed, 238 or approximately 17%, had to be revised, while of the 4,277 electronic statements filed, only 223, or approximately 5%, had to be revised. A significant number of paper statements must be revised because the filers did not respond to one or more questions. Electronic statements cannot be filed unless every question is answered.

**TABLE 4**  
**REVISIONS**

	Statements <u>Filed</u>	Statements <u>Revised</u>	Percentage of Statements <u>Revised</u>
RY 2016	5631	461	8%
RY 2015	5560	551	9.9%
RY 2014	5394	586	11%
RY 2013	5377	684	13%
RY 2012	5490	773	14.1%
RY 2011	5439	761	14%
RY 2010	5344	978	18.3%

“RY” denotes reporting year

**PUBLIC INSPECTION**

22NYCRR§40.1(p)(1)/22NYCRR§7400.5  
(see Table 5)

The Commission maintains seven years of financial disclosure statements; statements filed in the current year, and statements filed in the six preceding years. Every January, statements filed eight years ago are deleted or shredded. In 2017, the Commission maintained statements for reporting years 2010 through 2016.

The information contained in a financial disclosure statement maintained by the Commission is available for public inspection, except for categories of value or amount in statements pertaining to reporting years prior to reporting year 2014, the names of unemancipated children, and any information deleted by the Commission pursuant to 22 NYCRR Section 40.1(i)(6). Notices of Delinquency are also available for public inspection. The substance of the requests, and any documents pertaining to the requests, are not available for public inspection. Inspection copies of financial disclosure statements are available to the public at no cost.

In 2017, 47 requests were made, by 18 persons, for inspection of statements filed by 44 judges, justices and nonjudicial officers and employees of the Unified Court System. In response to these requests, a total of 236 statements were prepared for public inspection.

There were no requests for inspections of statements filed by judicial candidates.

## **TABLE 5**

### **PUBLIC INSPECTION**

	<b><u>Requests</u></b>	<b><u>Requestors</u></b>	<b><u>Filers</u></b>	<b><u>Statements</u></b>
FY 2017	47	18	44	236
FY 2016	46	22	45	174
FY 2015	52	17	49	169
FY 2014	29	10	29	90
FY 2013	33	10	32	74
FY 2012	32	11	32	86
FY 2011	24	10	21	50

The "Requests" column indicates the number of public inspection requests that were filed.

The "Requestors" column indicates the number of individuals who filed public inspection requests.

The "Filers" column indicates the number of filers whose statements were prepared for public inspection.

The "Statements" column indicates the number of statements prepared for public inspection.

This Table refers only to public inspection of statements filed by judges, justices or nonjudicial officers or employees of the Unified Court System. It does not include public inspection of statements filed by judicial candidates.

"FY" denotes reporting year

**DELINQUENCIES**  
22NYCRR§40.1(k)(l)(m)

**Notices to Cure** (see Table 6)

A judge, justice, or nonjudicial officer or employee of the Unified Court System required to file a financial disclosure statement who has failed to file, or to re-file a statement returned for revision, must be notified in writing and given a 15 day period to cure the failure to file or re-file. This notice must advise the judge, justice, officer or employee of the penalties for failure to comply with reporting requirements.

Notices to Cure were issued to 380 judges, justices and officers and employees for failure to timely file, or re-file statements pertaining to reporting year 2016.

54 were sent to judges or justices of the Unified Court System
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326 were sent to nonjudicial officers or employees
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Three employees to whom Notices to Cure were sent left the Unified Court System without filing. Two employees to whom Notices to Cure were sent were on extended medical leave and did not file. Of the remaining active individuals, all but 53 responded to the Notices to Cure by filing, or re-filing their financial disclosure statements.

**Notices of Delinquency** (see Tables 6 and 7)

The Commission must send a Notice of Delinquency to a judge, justice, or nonjudicial officer or employee of the Unified Court System who fails to file a financial disclosure statement, or to re-file a statement returned to cure a deficiency, within the period set forth in the Notice to Cure. A copy of the Notice of Delinquency must be sent to the State Commission on Judicial Conduct in the case of a judge or justice of the Unified Court System, or to the Chief Administrator of the Courts in the case of nonjudicial officers and employees.

A judge, justice or nonjudicial officer or employee who knowingly and willfully fails to file a financial disclosure statement, or who knowingly and willfully with intent to deceive makes a false statement or reports information which he or she knows to be false, shall be subject to disciplinary action as otherwise permitted by law, rule or collective bargaining agreement.

Notices of Delinquency were issued to 53 judges, justices and nonjudicial officers and employees for failure to file, or re-file statements pertaining to reporting year 2016. The job title with the most delinquent employees was the Court Attorney title.

4 were sent to judges
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49 were sent to nonjudicial officers or employees
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**TABLE 6**

**NOTICES TO CURE AND  
NOTICES OF DELINQUENCY**

**JUDGES OR JUSTICES**

	<b>Notices to <u>Cure</u></b>	<b>Notices of <u>Delinquency</u></b>
RY 2016	54	4
RY 2015	59	4
RY 2014	63	1
RY 2013	49	2
RY 2012	68	1
RY 2011	57	7
RY 2010	51	8

**NONJUDICIAL OFFICERS OR EMPLOYEES**

	<b>Notices to <u>Cure</u></b>	<b>Notices of <u>Delinquency</u></b>
RY 2016	326	49
RY 2015	352	52
RY 2014	321	60
RY 2013	323	59
RY 2012	421	72
RY 2011	428	105
RY 2010	444	110

"RY" denotes reporting year

**TABLE 7****NOTICES OF DELINQUENCY BY JOB TITLE**

If three or more persons in the job title received Notices

**Reporting Year 2016****53 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Attorney	11
Court Reporter	10
Court Clerk	5
Law Clerk	5
Judge or Justice	4
LANS Administrator	3
Management Analyst	3

**Reporting Year 2012****73 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	21
Court Clerk	17
Court Attorney	11
Chief Clerk	4
LANS Administrator	4
Court Officer	3
Law Clerk	3
Management Analyst	3

**Reporting Year 2015****56 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	17
Court Clerk	8
Court Attorney	6
Law Clerk	5
Judge or Justice	4
Management Analyst	3

**Reporting Year 2011****112 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	40
Court Clerk	19
Court Attorney	11
Law Clerk	7
Judge or Justice	7
Case Management Co	3
Chief Clerk	3
Management Analyst	3
Network Technologist	3

**Reporting Year 2014****61 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	15
Court Attorney	10
Court Clerk	8
Chief Clerk	7
Law Clerk	5

**Reporting Year 2010****118 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	34
Court Attorney	18
Court Clerk	12
Chief Clerk	8
Judge or Justice	8
Management Analyst	7
Law Clerk	6
Attorney	5
Court Analyst	3
LANS Administrator	3
Support Magistrate	3

**Reporting Year 2013****61 Notices of Delinquency Issued**

<u>Job Title</u>	<u>Notices Issued</u>
Court Reporter	17
Attorney	7
Court Clerk	7
Court Attorney	5
Chief Clerk	4
Law Clerk	3
Management Analyst	3

Pursuant to 22NYCRR Section 40.1(k), copies of Notices of Delinquency must be sent to the Chief Administrator of the Courts, (hereinafter referred to as the Office of Court Administration, OCA), in the case of a nonjudicial officer or employee and the Commission on Judicial Conduct, (hereinafter referred to as CJC), in the case of a judge or justice of the Unified Court System. Responsibility for taking disciplinary action against delinquent filers lies with these two entities.

### **OCA Action**

Notices of Delinquency were sent to forty-nine nonjudicial officers or employees for failure to file, or re-file, statements pertaining to reporting year 2016.

One employee was already involved in disciplinary action. Twenty-eight nonjudicial officers or employees filed in response to their Notices of Delinquency.

Counseling letters from the OCA Executive Director were sent to the remaining twenty active nonjudicial officers or employees. They were advised that they would be subject to disciplinary action if they did not file immediately. All of the employees filed in response to the letters.

### **CJC Action**

Notices of Delinquency were sent to four judges for failure to file statements pertaining to reporting year 2016. Three judges filed in response to the Notices.

CJC treats a Notice of Delinquency as a “complaint”. The “complaints” were resolved for the three judges who filed their 2016 financial disclosure statements. After review of two of the “complaints”, CJC “concluded there was insufficient indication of judicial misconduct to warrant further inquiry, and dismissed them. After review of one of the complaints, CJC “concluded that no further action is necessary”.

Judge Leticia Astacio has not yet filed her 2016 financial disclosure statement. CJC action against her is pending.

## APPENDIX A

### THE CHIEF JUDGE'S RULE, 22 NYCRR PART 40 FINANCIAL DISCLOSURE

Statutory authority: Judiciary Law, §211(4)

Sec.40.1 Ethics Commission

Sec. 40.2 Financial Disclosure

#### **Section 40.1 Ethics Commission.**

(a) There shall be an Ethics Commission for the Unified Court System which shall consist of five members and shall have and exercise the powers and duties set forth herein with respect to all State-paid judges, justices and nonjudicial officers and employees of the courts and court-related agencies of the Unified Court System.

(b) The members of the commission shall be appointed by the Chief Judge of the State of New York, upon consultation with the Administrative Board of the Courts. Two members shall be State-paid judges or justices of a court or courts of the Unified Court System, and at least two shall not be public officers or employees.

(c) The term of members of the commission shall be five years. Members shall be appointed for no more than one five-year term.

(d) The Chief Judge shall designate the chairperson of the commission from among the members thereof, who shall serve as chairperson at the pleasure of the Chief Judge. The chairperson or any three members of the commission may call a meeting.

(e) Any vacancy occurring on the commission shall be filled within 60 days of its occurrence by the Chief Judge. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds. Where a member of the commission who is a judge or justice leaves judicial office, a vacancy on the commission shall thereby be deemed to have occurred.

(f) Three members of the commission shall constitute a quorum, and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy.

(g) Members of the commission may be removed by the Chief Judge for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this rule, after written notice and opportunity for a reply.

(h) The members of the commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(i) The commission shall:

- (1) appoint an executive director who shall act in accordance with the policies of the commission and the provisions of this rule. The commission may delegate authority to the executive director to act in the name of the commission between

meetings of the commission provided such delegation is in writing and the specific powers to be delegated are enumerated;

(2) appoint such other staff, within appropriations made available therefor by the Chief Administrator of the Courts, as are necessary to carry out its duties under this rule;

(3) adopt, amend and rescind rules and regulations to govern procedures of the commission, which shall be consistent with the provisions of this rule and which shall include, but not be limited to, a procedure for such adjudicatory proceedings as are authorized by this rule and the procedure whereby a person who is required to file an annual financial disclosure statement with the commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted;

(4) make available forms for annual statements of financial disclosure required to be filed pursuant to law;

(5) review financial disclosure statements in accordance with the provisions of this rule; provided, however, that the commission may delegate all or part of this review function to the executive director, who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the commission's delegation;

(6) permit any person required to file a financial disclosure statement to request the commission to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the commission upon a finding by a majority of the total number of its members without vacancy that the information which would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the reporting person's official duties;

(7) permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the commission upon a finding by a majority of the total number of its members without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child or the reporting person on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties;

(8) permit any person who is required to file a financial disclosure statement, but who has not been determined pursuant to section 40.2(b) of this Part to hold a policymaking position, to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and

regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

- (i) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section 73 of the Public Officers Law;
- (ii) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
- (iii) the obtaining of grants of money or loans; or
- (iv) the adoption or repeal of any rule or regulation having the force and effect of law;

(9) exemptions granted hereunder shall be for such duration as the commission shall determine;

(10) prepare an annual report to the Chief Judge and the Administrative Board of the Courts summarizing the activities of the commission; and

(11) in such cases as it shall deem appropriate, the commission may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this rule.

(j) The commission, or the executive director and staff of the commission, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the commission to ascertain whether any person required to file a financial disclosure statement has failed to file such a statement or has filed a deficient statement.

(k) If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a 15-day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency:

- (1) to the reporting person;
- (2) in the case of a judge or justice of the Unified Court System, to the State Commission on Judicial Conduct; and
- (3) in the case of a nonjudicial officer or employee, to the Chief Administrator of the Courts.

(l) A reporting individual who knowingly and willfully fails to file an annual statement of

financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to disciplinary action as otherwise permitted by law, rule or collective bargaining agreement. No disciplinary action for false filing may be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.

(m) A copy of any notice of delinquency sent pursuant to subdivision (k) of this section shall be included in the reporting person's file and be available for public inspection.

(n) Upon written request from any person who is or may be subject to the requirement of filing a financial disclosure statement, the commission shall render advisory opinions concerning such requirement. Such requests shall be confidential, but the commission may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

(o) In addition to the other powers and duties specified herein, the commission shall have the power and duty to:

- (1) administer and enforce all the provisions of this section;
- (2) conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material; and
- (3) establish an adjudicatory procedure pursuant to which requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraphs (i)(6), (7) and (8) of this section may be heard.

(p)(1) Notwithstanding the provision of article 6 of the Public Officers Law, the only records of the commission which shall be available for public inspection are:

(i) the information set forth in an annual statement of financial disclosure filed pursuant to law and maintained by the commission, except the following items which shall remain confidential:

- (a) the categories of value or amount in statements pertaining to calendar years prior to 2014;
- (b) the names of unemancipated children; and
- (c) and any other item of information deleted pursuant to paragraph (i)(6) of this section; and

(ii) notices of delinquency sent under subdivision (k) of this section.

(2) Notwithstanding the provisions of article 7 of the Public Officers Law, no meeting or proceeding, including any such proceeding contemplated under paragraph (i) (6), (7) or (8) of this section, of the commission shall be open to the public, except if expressly provided otherwise by the commission.

## 40.2 Financial disclosure

(a) Filing procedure. (1) Each state-paid judge or justice, regardless of his or her annual rate of compensation; and each nonjudicial officer and employee of the Unified Court System who:

- (i) receives annual compensation at or above the job rate of SG-24 as set forth in paragraph (a) of subdivision (1) of section 130 of the Civil Service Law as of April 1st of the year in which an annual financial disclosure statement shall be filed and is not otherwise exempted from filing pursuant to this Part; or
- (ii) holds a policymaking position, as determined in accordance with subdivision (b) of this section;

shall file annually with the Ethics Commission of the Unified Court System a financial disclosure statement containing the information and in the form set forth in the annual statement of financial disclosure adopted by the Chief Judge of the State of New York. Such statement shall be filed on or before the 15th day of May with respect to the preceding calendar year:

(2) Any person required to file such statement who commences employment after the 15th day of April of any year shall file the statement within 30 days after commencement of employment.

(3) A person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May 15th but may, without prejudice on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the provisions of section 40.1 (k) of this Part as if such supplementary statement were an annual statement; and

(4) A person who is required to file an annual financial disclosure statement with the Ethics Commission of the Unified Court System, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to section 40.1(i) (3) of this Part, shall file such statement within the additional period of time granted.

(b) Report of eligible filers. During the month of February in each year, the Chief Administrator of the Courts shall file with the Ethics Commission for the Unified Court System a written instrument that shall set forth the names of

- (1) all state-paid judges and justices, and

(2) all state-paid nonjudicial officers and employees of the courts and court-related agencies of the Unified Court System who, during the preceding calendar year, received annual compensation at or above the job rate of SG-24 as set forth in paragraph (a) of subdivision (1) of section 130 of the Civil Service Law as of April 1st of the year in which an annual financial disclosure statement shall be filed and have not been otherwise exempted from filing pursuant to this rule, and the names of such nonjudicial officers and employees who, during such year, held policy-making positions in the determination of:

- (i) the Chief Judge of the Court of Appeals, as to personnel of that court;
- (ii) the Presiding Justice of each Appellate Division, as to personnel of that court;
- and
- (iii) the Chief Administrator of the Courts, as to all other state-paid personnel of the Unified Court System.

## APPENDIX B

### COMMISSION PROCEDURES, 22 NYCRR PART 7400

#### SECTION 7400.1 REQUESTING EXEMPTIONS FROM FILING FINANCIAL DISCLOSURE STATEMENTS

##### **7400.1(a) Definitions**

(1) "Annual compensation" shall mean the basic annual salary which an individual receives to perform the duties of the position in which he or she serves. Annual salary shall not include location pay, payment of overtime, retroactive salary benefits, uniform or clothing allowance, reimbursements, or any one time payment, bonus or award.

(2) "Commission" shall mean the Ethics Commission for the Unified Court System.

(3) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.

(4) "Employee organization" shall mean an employee organization that is recognized or certified pursuant to section 204 of the Civil Service Law to represent public employees of a public employer.

(5) "File" shall mean to make delivery to the offices of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.

(6) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.

(7) "Job title" shall mean the title of the position to which an employee has been elected or appointed.

(8) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (22 NYCRR).

##### **7400.1(b) Scope**

Pursuant to section 40.1(i)(8) of the Rule, the Commission shall permit an employee who is not a policy maker pursuant to section 40.2 of the Rule, and who is required to file a financial disclosure statement, to request an exemption from filing. This request will be granted if, in the discretion of the Commission, the public interest does not require disclosure and the employee's duties do not involve any of the duties set forth in section 40.1(i)(8) of the Rule.

### **7400.1(c) Procedure**

(1a) An employee organization on behalf of persons who share the same job title may request an exemption from filing a financial disclosure statement by filing a written request with the Commission on or before March 1<sup>st</sup> of the year in which the exemption is requested.

(1b) An employee individually may request an exemption from filing a financial disclosure statement by filing a written request with the Commission on or before the date that his or her annual statement of financial disclosure is due. Filing such a request automatically extends the employee's time to file his or her financial disclosure statement. If the employee's request is denied, the Commission decision will set forth the date by which the employee's statement must be filed.

(2) The request for the exemption shall include:

(i) the name, work address, home address, work telephone number and job title of the employee if the request is on an individual basis, or the name of the employee organization, and name, address and telephone number of its authorized representative filing on behalf of persons who share the same job title;

(ii) the job title for which an exemption is requested where the request is by an employee organization;

(iii) a copy of the title specifications of the job title for which an exemption is requested;

(iv) a statement in support of the claim of the filing employee or employee organization that the public interest does not require disclosure and that the job title for which the exemption is requested does not involve any of the duties set forth in section 40.1(i)(8) of the Rule, giving specific reasons and justifications therefor. Documentation supporting this statement may be annexed to the request.

(3) The request for an exemption must be signed by the employee, if requesting an individual exemption, or by the authorized representative of the employee organization requesting an exemption on behalf of persons who share the same job title.

### **7400.1(d) Commission Action**

(1) Upon receipt of a request for an exemption from filing a financial disclosure statement, the Commission shall review the material filed to determine whether the public interest requires disclosure and whether the duties of the job title include any of the duties set forth in section 40.1(i)(8) of the Rule.

(2) If the Commission determines that additional information would be useful, it may obtain such information from the Office of Court Administration, from the individual employee requesting an exemption, from the employee organization requesting an exemption on behalf of persons who share the same job title, or from any source deemed appropriate by the Commission. The Commission, in its discretion, may request a meeting with the individual employee or the representative of an employee organization to discuss the exemption request.

(3) If the Commission requests additional information from an individual employee or an employee organization, such additional information must be filed with the Commission within the time limit set forth in the Commission's written request. If the Commission does not receive such information within the said time limit, it may render a decision on the information available.

(4) Unless the Commission decides that the public interest does not require disclosure and that a job title does not involve the duties set forth in section 40.1(i)(8) of the Rule, the Commission shall deny the request for an exemption from filing a financial disclosure statement.

In applying the public interest standard, the Commission considers the duties the employee may be called upon to perform. The Commission weighs the strong public interest in disclosure against the employee's privacy rights. In this weighing process, the Commission considers the employee's role in the judicial, administrative or managerial process of the Unified Court System. The Commission also considers the potential for conflict of interest and use of public office for personal gain in the performance of the employee's actual or potential job duties.

Judiciary Law §211(4) and 22 NYCRR Part 40 establish a strong public policy favoring disclosure. Thus employees otherwise required to file, who have requested an exemption from filing, must demonstrate that an individual exception to this policy is warranted.

(5) The Commission shall give written notification of its decision to the employee and/or the employee organization, as appropriate, and to the Chief Administrator of the Courts.

(6) Once an exemption has been granted for a job title, an employee, as long as he or she holds that job title, will not be required to file a financial disclosure statement in any subsequent year for which one would otherwise be required unless:

- (i) the duties of the job title change; or
- (ii) it is determined that the employee holds a policymaking position by: the Chief Judge of the Court of Appeals, as to personnel of that Court; the Presiding Justice of each Appellate Division, as to personnel of that Court; or the Chief Administrator of the Courts, as to all other state-paid personnel of the Unified Court System; or
- (iii) the Commission, upon review of its decision to grant such exemption, determines the exemption is no longer appropriate.

## SECTION 7400.2

### REQUESTING AN EXTENSION OF TIME TO FILE A FINANCIAL DISCLOSURE STATEMENT, AND AUTOMATIC EXTENSIONS OF TIME TO FILE SUPPLEMENTARY FINANCIAL DISCLOSURE STATEMENTS

#### 7400.2(a) Definitions

- (1) "Commission" shall mean the Ethics Commission for the Unified Court System.
- (2) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.
- (3) "File" shall mean to make delivery to the offices of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.
- (4) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.
- (5) "Job title" shall mean the title of the position to which an employee has been elected or appointed.
- (6) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (22 NYCRR).

#### 7400.2(b) Scope

- (1) Pursuant to section 40.1(i)(3) of the Rule, the Commission shall permit an employee who is required to file a financial disclosure statement to request an additional period of time within which to file such statement. This request will be granted if the Commission finds that there is justifiable cause for the extension or that the timely filing of the statement would cause undue hardship.
- (2) Pursuant to section 40.2(a)(2)(i) of the Rule, the Commission shall allow an employee who has timely filed an application for automatic extension with the Internal Revenue Service to file a supplementary statement of financial disclosure.

#### 7400.2(c) Procedure For Requesting An Extension Of Time To File A Financial Disclosure Statement

- (1) An employee may request an extension of time to file his or her statement by filing a request with the Commission on or before the date that his or her annual statement of financial disclosure is due.
- (2) The request for the extension can be made by letter, telephone or email, and shall include:
  - (i)(a) if the request is made by letter, the name, home address, work address, work telephone number, and job title of the employee requesting the extension;
  - or
  - (i)(b) if the request is made by telephone or email, the name, work

telephone number and job title of the employee requesting the extension;

(ii) a statement in support of the employee's claim that an extension of time to file a financial disclosure statement is necessary due to justifiable cause or undue hardship, giving specific reasons and justifications therefor.

Documentation supporting this statement may be annexed to the request, if the request is made by letter or email.

(iii) the date certain by which the employee will file his or her financial disclosure statement.

(3) The request for an extension must be signed by the employee requesting the extension, if the request is made by letter.

#### **7400.2(d) Commission Action**

(1) Upon receipt of a request for extension of time to file a financial disclosure statement, the Commission shall review the material filed to determine if there has been a showing of justifiable cause or undue hardship.

(2) If the Commission determines that additional information would be useful, it may request such information from the employee requesting the extension. The Commission, in its discretion, may request a meeting with the employee to discuss the extension request.

(3) Unless the Commission decides that there is justifiable cause for an extension of time to file a financial disclosure statement, or that timely filing of such statement would cause undue hardship, the Commission shall deny the request for an extension of time to file a financial disclosure statement.

(4) The Commission shall give notice of its decision to the employee requesting an extension of time to file in the same format in which the request was received. If the extension is granted, the decision shall include the date certain on or before which the employee's financial disclosure statement must be filed.

(5) Vacation periods, and the ordinary and necessary tasks, routines, and obligations of an employee's personal and work life shall not constitute undue hardship or justifiable cause for an extension of time to file a financial disclosure statement.

(6) No extension of time to file a financial disclosure statement shall be granted:

(i) beyond August 31<sup>st</sup> in the current filing year, if the filing due date is in May in the current filing year; or

(ii) beyond October 31<sup>st</sup> in the current filing year, if the filing due date is in June or July in the current filing year; or

(iii) beyond November 30<sup>th</sup> in the current filing year, if the filing due date is in August or September in the current filing year; or

(iv) beyond December 31<sup>st</sup> in the current filing year, if the filing due date is in October or November in the current filing year; or

(v) beyond February 28<sup>th</sup> in the year after the current filing year, if the filing due date is in December in the current filing year or January in the year after the current filing year.

### **7400.2(e) Supplementary Financial Disclosure Statements**

(1) An employee who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her income tax return for the immediately preceding calendar or fiscal year is required to file a financial disclosure statement:

(i) on or before May 15<sup>th</sup> of the year that filing is required, if he or she is employed by the Unified Court System on January 1<sup>st</sup>, or commences employment from January 2<sup>nd</sup> through April 15<sup>th</sup>, of that year;

or

(ii) thirty days from the date that the employee commences employment (which includes a change to a new job title that requires him or her to file) if he or she commences employment with the Unified Court System from April 16<sup>th</sup> through December 31<sup>st</sup> of the year that filing is required.

The employee may, however, indicate on the timely filed financial disclosure statement that information regarding a particular item of disclosure is lacking and will be supplied in a supplementary statement of financial disclosure to be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such tax return.

(2) The employee must submit a written statement with the timely filed financial disclosure statement. This written statement shall include:

(i) the name, home address, work address, work telephone number and job title of the employee;

(ii) a copy of the application filed with the Internal Revenue Service for an automatic extension of time in which to file the employee's individual income tax return for the immediately preceding calendar or fiscal year;

(iii) a description of the nature of the information which cannot be timely provided on the financial disclosure statement, including the question number(s) where the information would otherwise be reported; and

(iv) the date that the employee's automatic extension expires.

(3) Failure to file a supplementary financial disclosure statement, or the filing of an incomplete or deficient supplementary financial disclosure statement, shall be subject to the notice and penalty provisions of the Rule as if the supplementary statement were an annual statement of financial disclosure.

## SECTION 7400.3

### REQUESTING AN EXEMPTION FROM REPORTING ONE OR MORE ITEMS OF INFORMATION WHICH PERTAIN TO AN EMPLOYEE'S SPOUSE OR UNEMANCIPATED CHILDREN

#### 7400.3(a) Definitions

- (1) "Commission" shall mean the Ethics Commission for the Unified Court System.
- (2) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.
- (3) "File" shall mean to make delivery to the offices of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.
- (4) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.
- (5) "Job Title" shall mean the title of the position to which an employee has been elected or appointed.
- (6) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (2 NYCRR).
- (7) "Spouse" shall mean husband or wife of the employee filing a financial disclosure statement.
- (8) "Unemancipated child" shall mean any son, daughter, stepson or stepdaughter of the employee filing a financial disclosure statement who is under the age of eighteen (18) and unmarried at the time the financial disclosure statement is filed.

#### 7400.3(b) Scope

Pursuant to section 40.1(i)(7) of the Rule, the Commission shall permit an employee who is required to file a financial disclosure statement to request an exemption from the requirement to report one or more items of information which pertain to the employee's spouse or unemancipated children. This request will be granted by the Commission upon a finding by a majority of the total number of its members without vacancy that the employee's spouse, on his or her own behalf or on behalf of an unemancipated child, or the employee on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure, and that the information that would otherwise be required to be reported will have no material bearing on the discharge of the employee's official duties.

#### 7400.3(c) Procedure

- (1) An employee may request an exemption from any requirement to report one or more items of information that pertain to his or her spouse or unemancipated children by filing a written request with the Commission on or before the date that his or her annual

statement of financial disclosure is due. Filing such a request automatically extends the employee's time to file his or her financial disclosure statement. The Commission decision will set forth the date by which the employee's statement must be filed.

(2) The request for the exemption shall include:

- (i) the name, home address, work address, work telephone number, and job title of the employee requesting the exemption;
- (ii) the specific information the spouse or employee objects to reporting on the employee's financial disclosure statement;
- (iii) a statement that the employee or his or her spouse objects to reporting the information on the financial disclosure statement, giving specific reasons and justifications therefor;
- (iv) a statement in support of the employee's claim that the information that would otherwise be required to be reported on the financial disclosure statement will have no material bearing on the discharge of the employee's official duties, giving specific reasons and justifications therefor;
- (v) documentation supporting the aforesaid statements may be annexed to the request.

(3) The request for exemption must be signed by the employee requesting the exemption.

#### **7400.3(d) Commission Action**

(1) Upon receipt of a request for an exemption from the requirement to report one or more items of information which pertain to an employee's spouse or unemancipated children, the Commission shall review the material filed to determine whether an objection has been made by the appropriate person to the reporting of the information, and whether the information for which an exemption is requested will have a material bearing on the discharge of the employee's official duties.

(2) If the Commission determines that additional information would be useful, it may request such information from the employee requesting the exemption. Such additional information must be filed with the Commission within the time limit set forth in the Commission's written request. If the Commission has not received such information within the said time limit, it may render its decision on the information available. The Commission, in its discretion, may request a meeting with the employee, or his or her spouse, to discuss the exemption request.

(3) Unless the Commission decides by a majority of the total members of the Commission without vacancy that the employee or his or her spouse objects to providing the information necessary to make disclosure, and that the information that would otherwise be required to be reported will have no material bearing on the discharge of the employee's official duties, the Commission shall deny the request for exemption.

In applying the material bearing standard to decide exemption requests, the Commission weighs competing public and private interests including the following:

- (i) Whether the disclosure of the information could pose a safety threat to the employee or his or her family, and the nature of that threat, including its

- seriousness and imminence;
- (ii) Whether the information may relate in a substantial and important way to the employee's official duties;
- (iii) Whether the information could reveal or relate to an actual or potential conflict of interest;
- (iv) The employee's role in the judicial, administrative or managerial process of the Unified Court System;
- (v) In the case of a spousal/child exemption request, whether the filer has access, or can obtain access, to the information required to be reported;
- (vi) Whether the standard is being applied in the case of a spousal/child exemption request or a deletion request. The employee's burden is far greater when seeking an exemption request. The granting of an exemption request means that the relevant information will not be reported at all on the financial disclosure statement, while the granting of a deletion request means that the information will be reported on the financial disclosure statement, but deleted from the copy made available to the public;
- (vii) Such other factors as may be relevant.

If an employee requests a spousal exemption on the grounds that he or she has no knowledge of his or her spouse's assets or income, and that his or her spouse refuses to supply this information to him or her, the employee must so state specifically in the form of an affidavit. The employee must, at a minimum, convince the Commission that his or her spouse refuses to provide the information, that he or she has no other source regarding this information, and that he or she has made a bona fide attempt to obtain, and cannot obtain, the information. Other potentially relevant, but not necessarily controlling, matters include the circumstances of, and reasons for, a spouse's refusal to provide the employee with the relevant information, the duration and consistency over time of his or her spouse's refusal to disclose such information to the employee, and whether the employee and his or her spouse file or have filed joint federal, state or local tax returns. If the employee and his or her spouse have filed a joint tax return, the employee must at a minimum report such information as is available from that return.

Judiciary Law §211(4) and 22 NYCRR Part 40 establish a strong public policy favoring disclosure. Thus employees otherwise required to file, who have requested exemptions, must demonstrate that an individual exception to this policy is warranted.

(4) The Commission shall give written notice of its decision to the employee requesting the exemption.

#### **7400.3(e) Separation From Spouse**

An employee is not required to report any information pertaining to his or her spouse, if at the time the employee files his or her financial disclosure statement he or she is living separate and apart from his or her spouse:

- (i) pursuant to a judicial order, decree or judgment or a legally binding separation agreement; or
- (ii) with the intention of terminating the marriage or remaining permanently separated.

## SECTION 7400.4

### DELETION OF ONE OR MORE ITEMS OF INFORMATION FROM THE COPY OF THE FINANCIAL DISCLOSURE STATEMENT MADE AVAILABLE TO THE PUBLIC

#### 7400.4(a) Definitions

- (1) "Commission" shall mean the Ethics Commission for the Unified Court System.
- (2) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.
- (3) "File" shall mean to make delivery to the offices of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.
- (4) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.
- (5) "Job title" shall mean the title of the position to which an employee has been elected or appointed.
- (6) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (22 NYCRR).

#### 7400.4(b) Scope

Pursuant to section 40.1(i)(6) of the Rule, the Commission shall permit an employee who is required to file a financial disclosure statement to request that the Commission delete from the copy of the financial disclosure statement made available for public inspection one or more items of information. This request will be granted by the Commission upon a finding by a majority of the total number of its members without vacancy that the information that would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the employee's official duties.

#### 7400.4(c) Procedure

- (1) An employee may request the deletion of one or more items of information from the copy of the financial disclosure statement made available to the public by filing a written request with the Commission on or before the date that his or her annual statement of financial disclosure is due.
- (2) The request for the deletion shall include:
  - (i) the name, home address, work address, work telephone number, and job title of the employee requesting the deletion;
  - (ii) the information which the employee seeks to have deleted;
  - (iii) a statement in support of the employee's claim that the information that would otherwise be made available for public inspection will have no material bearing on the discharge of the employee's official duties, giving specific

reasons and justifications therefor. Documentation supporting this statement may be annexed to a written request. If a request requires documentation, it can not be filed electronically.

(3) A written request for deletion must be signed by the employee requesting the deletion. The request must be filed: with a paper statement containing the information sought to be deleted; or after an electronic statement containing the information sought to be deleted has been filed.

#### **7400.4(d) Commission Action**

(1) Upon receipt of a request for deletion of one or more items of information from the copy of the financial disclosure statement made available to the public, the Commission shall review the material filed to determine if the information will have a material bearing on the discharge of the employee's official duties.

(2) If the Commission determines that additional information would be useful, it may request such information from the employee requesting the deletion. The Commission, in its discretion, may request a meeting with the employee to discuss the deletion request.

(3) Unless the Commission decides by a majority of the total members of the Commission without vacancy that the information that would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the employee's official duties, the Commission shall deny the request for deletion.

In applying the material bearing standard to decide deletion requests, the Commission weighs competing public and private interests including the following:

- (i) Whether the disclosure of the information could pose a safety threat to the employee or his or her family, and the nature of that threat, including its seriousness and imminence;
- (ii) Whether the information may relate in a substantial and important way to the employee's official duties;
- (iii) Whether the information could reveal or relate to an actual or potential conflict of interest;
- (iv) The employee's role in the judicial, administrative or managerial process of the Unified Court System;
- (v) Whether the standard is being applied in the case of a spousal/child exemption request or a deletion request. The employee's burden is far greater when seeking an exemption request. The granting of an exemption request means that the relevant information will not be reported at all on the financial disclosure statement, while the granting of a deletion request means that the information will be reported on the financial disclosure statement, but deleted from the copy made available to the public;
- (vi) Such other factors as may be relevant.

Judiciary Law §211(4) and 22 NYCRR Part 40 establish a strong public policy favoring disclosure. Thus employees otherwise required to file, who have requested deletions, must demonstrate that an individual exception to this policy is warranted.

(4) The Commission shall give written notice of its decision to the employee requesting the deletion.

## SECTION 7400.5

### PUBLIC INSPECTION OF FINANCIAL DISCLOSURE STATEMENTS

#### 7400.5(a) Definitions

(1) "Commission" shall mean the Ethics Commission for the Unified Court System.

(2) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.

(3) "File" shall mean to make delivery to the offices of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.

(4) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.

(5) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (22 NYCRR).

#### 7400.5(b) Scope

Pursuant to 40.1(p) of the Rule, the Commission shall make available for public inspection the information set forth in annual statements of financial disclosure filed pursuant to law and maintained by the Commission, except the following information which shall remain confidential: categories of value and amount in statements pertaining to calendar years prior to 2014; names of unemancipated children; and information deleted from public inspection pursuant to section 40.1(l)(6) of the Rule.

The Commission shall also make Notices of Delinquency available for public inspection.

The Commission maintains financial disclosure statements pertaining to the current reporting year, and the six previous reporting years.

#### 7400.5(c) Statement Inspection Officer

(1) The Executive Director of the Commission is designated as the Statement Inspection Officer.

(2) The Statement Inspection Officer shall:

(i) maintain a current list of financial disclosure statements available for public inspection;

(ii) respond to all inquiries regarding public inspection of financial disclosure statements;

(iii) receive and process requests for public inspection of financial disclosure statements;

(iv) insure that information deleted from public inspection pursuant to law and regulation is not made available for public inspection;

(v) designate one or more members of the staff of the Commission to serve as Assistant Statement Inspection Officer; such Assistant(s) shall have the same function and responsibilities as the Statement Inspection Officer

except as to the designation of other Assistants.

#### **7400.5(d) Public Inspection of Statements**

(1) An inspector may obtain copies of financial disclosure statements prepared for public inspection by regular mail or email, or inspect the copies in the Ethics Commission office. Office inspections can be scheduled every day the office is open for business during the hours 10:00 a.m. through 12:00 p.m. and 2:00 p.m. through 4:00 p.m., or other times at the discretion of the Statement Inspection Officer.

(2) An inspector must file a written request for public inspection. Public inspection copies of statements will be provided to the inspector in a timely manner determined by the needs of the inspector, the number of statements requested, and the workload of the Ethics Commission staff at the time of the request.

(3) The financial disclosure statement of an employee who has filed an exemption or deletion request, or whose statement must be revised to cure a deficiency, shall not be available for public inspection pending a decision on the request, or the receipt of the revised statement. The fact that an exemption or deletion request has been made will be confidential; all documents pertaining to the request, including the decision, will also be confidential and not available for public inspection. All documents pertaining to the revision of a financial disclosure statement are confidential and shall not be available for public inspection. If a filer leaves his or her position with the Unified Court System without revising his or her financial disclosure statement, the statement will be made available for public inspection without the revision.

(4) If the Commission has denied an exemption or deletion request, the financial disclosure statement of the employee who made the request shall not be available for public inspection for twenty-one (21) days from the date on which notice of the denial is mailed to the employee by the Commission.

(5) All documents pertaining to a request for public inspection shall be confidential and not available for public inspection. The identities of public inspectors, and the fact that a statement has been inspected, are confidential and will not be made available to the public or to filers.

(6) An unredacted copy of a financial disclosure statement, including information not available for public inspection, may be released in compliance with a subpoena.

## **SECTION 7400.6**

### **INVESTIGATION BY COMMISSION**

#### **7400.6(a) Definitions**

(1) "Commission" shall mean the Ethics Commission for the Unified Court System.

(2) "Executive Director" shall mean the executive director of the Ethics Commission for the Unified Court System as appointed pursuant to section 40.1 (i)(1) of the Chief Judge's Rule.

(3) "Employee" shall mean a state-paid judge, justice, officer or employee of the Unified Court System.

(4) "File" shall mean to make delivery to the office of the Commission personally, electronically or by mail. The filing date shall be the date the document filed is received in the office of the Commission.

(5) "Financial disclosure statement" shall mean the annual statement approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.

(6) "Rule" shall mean Part 40 of the Rules of the Chief Judge of the State of New York (22 NYCRR).

#### **7400.6(b) Scope**

Pursuant to section 40.1(o)(2) of the Rule, the Commission is authorized to conduct any investigation necessary to carry out its responsibilities under the provisions of section 40.1. In the course of an investigation, the Commission is authorized to administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records or other materials which it may deem relevant or material.

#### **7400.6(c) Procedure**

(1) The subjects of a Commission investigation may include but are not limited to the timeliness or accuracy of an employee's filing of a financial disclosure statement, an employee's request for an extension of time to file, an employee's request for an exemption from the requirement to file, an employee's request for an exemption from reporting information pertaining to his or her spouse or child, or an employee's request for deletion of certain information from the copy of his or her statement made available to the public, or such other matters as arise in connection with the discharge of the Commission's duties.

(2) The Commission may contact the employee who did file, or should have filed, the financial disclosure statement that is the subject of the investigation, another employee, or any other person, to obtain information relevant to the investigation. This contact may be by telephone or by letter.

(3) If the employee or other person fails or refuses to respond to the telephone call or letter, or if the Commission has reasonable cause to believe that it is necessary or appropriate, the Commission may require the appearance of the employee or other person before the Commission, or, if so authorized by the Commission, one or more of its members, in which event the employee or other person shall be notified in writing of his or her required appearance either personally, at least ten days prior to such appearance, or by certified mail, to be deposited in the U.S. mail at least ten days prior to such appearance. Such written notice shall set forth the time and place of the appearance, the nature of the information the Commission is seeking, and the books, records or other materials that the employee or other person must present to the Commission.

(4) If the employee or other person fails to appear or secure an adjournment in response to such written notice, or fails to produce the sought after books, records or other materials, the Commission may compel his or her appearance and/or the production of the required books, records or other materials with a subpoena and/or subpoena duces tecum issued pursuant to CPLR §2303.

(5) The employee or other person may request, in writing, an adjournment of his or her appearance. An adjournment will be granted for good cause only. If the request is granted, the Commission will notify the employee or other person in writing of the new date.

#### **7400.6(d) Appearance Before the Commission**

(1) An employee or other person appearing before the Commission shall answer questions and produce the books, records or other materials sought by the Commission. He or she shall have the right to be represented by an attorney and to make an oral statement and to present relevant data and material, including a written statement. The attorney shall be permitted to advise the employee or other person and otherwise confer with her or him.

(2) At the commencement of the appearance, the Chair of the Commission, or his or her designee, may swear in the employee or other person by administering an oath or affirmation.

(3) The appearance may be recorded in any way permitted by the CPLR. If the appearance is recorded, a transcript shall be provided to the employee or other person without fee upon his or her written request.

**7400.6(e) Commission Action**

If the Commission finds that further action is necessary or appropriate, it may give written notification to the Chief Administrator of the Courts, the Commission on Judicial Conduct, or any other appropriate agency or authority of the results of its investigation and request that further action be taken. The Commission shall give written notification to the employee who was the subject of the investigation that it has determined that further action is necessary and that the matter has been referred to the Chief Administrator of the Courts, the Commission on Judicial Conduct, or other appropriate agency or authority.

## SECTION 7400.7

### FILING REQUIREMENTS FOR CERTAIN JUDICIAL CANDIDATES

#### **7400.7(a) Definitions**

(1) "Candidate" shall mean a candidate for public election to judicial office, who is required to file an annual statement of financial disclosure pursuant to 22 NYCRR Part 100. "Candidate" shall not mean a candidate for judicial office in the town and village courts.

(2)"Commission" shall mean the Ethics Commission for the Unified Court System.

(3)"File" shall mean to make delivery to the offices of the Commission personally or by mail. The filing date shall be the date the document filed is received in the offices of the Commission.

(4)"Financial disclosure statement" shall mean the annual statement of financial disclosure approved by the Chief Judge pursuant to subdivision 4 of section 211 of the Judiciary Law.

#### **7400.7(b) Scope**

(1)Pursuant to 22 NYCRR Section 100.5(A)(4)(g), a judge or a non-judge who is a candidate for public election to judicial office shall file a financial disclosure statement with the Commission within twenty days following the date on which he or she becomes a candidate. However, a judge or non-judge who is an officer or employee of the Unified Court System required to file an annual statement of financial disclosure pursuant to 22 NYCRR Part 40 is not required to file pursuant to 22 NYCRR Part 100.

(2)The Commission shall permit a candidate to request an additional period of time within which to file. This request will be granted if the Commission finds that there is justifiable cause for the extension or that the timely filing of the statement would cause undue hardship.

(3)The Commission shall permit a candidate to request that the Commission delete one or more items of information from the copy of his or her financial disclosure statement made available for public inspection. This request will be granted by the Commission upon a finding by a majority of the total number of its members without vacancy that the information that would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the candidate's official duties should he or she be elected.

(4) The Commission shall make available for public inspection the information set forth in annual statements of financial disclosure filed pursuant to law and maintained by the Commission, except the following information which shall remain confidential: categories of value and amount in statements pertaining to

calendar years prior to 2014; names of unemancipated children; and information deleted from public inspection pursuant to 22 NYCRR Section 40.1(l)(6).

The Commission maintains financial disclosure statements pertaining to the current reporting year, and the six previous reporting years.

**7400.7(c) Procedure Regarding Filing Extension**

(1) A candidate may request an extension of time to file a financial disclosure statement on or before the date that his or her annual statement of financial disclosure is due.

(2) The request for the extension shall include:

- (i) the name, home address, work address, work telephone number, and job title of the candidate requesting the extension;
- (ii) a statement in support of the candidate's claim that an extension of time to file a financial disclosure statement is necessary due to justifiable cause or undue hardship, giving specific reasons and justifications therefor. Documentation supporting this statement may be annexed to the request;
- (iii) the date certain by which the candidate will file his or her financial disclosure statement.

(3) The request for an extension must be signed by the candidate requesting the extension.

**7400.7(d) Commission Action Regarding Extension Requests**

(1) Upon receipt of a request for extension of time to file a financial disclosure statement, the Commission shall review the material filed to determine if there has been a showing of justifiable cause or undue hardship.

(2) If the Commission determines that additional information would be useful, it may request such information from the candidate requesting the extension. The Commission, in its discretion, may request a meeting with the candidate to discuss the extension request.

(3) Unless the Commission decides that there is justifiable cause for an extension of time to file a financial disclosure statement, or that timely filing of such statement would cause undue hardship, the Commission shall deny the request for an extension of time to file a financial disclosure statement.

(4) The Commission shall give written notice of its decision to the candidate requesting an extension of time to file. If the extension is granted, the decision shall include the date certain on or before which the candidate's financial disclosure statement must be filed. In the event the Commission determines that such written notice of its decision would not reach the candidate requesting the extension before the 20<sup>th</sup> day after he or she becomes a candidate, the Commission shall notify the candidate of its decision by telephone, to be followed by written notice of decision.

(5) Vacation periods, and the ordinary and necessary tasks, routines, and obligations of a candidate's personal and work life shall not constitute undue hardship or justifiable cause for an extension of time to file a financial disclosure statement.

(6) No extension of time to file a financial disclosure statement shall be granted to a candidate beyond thirty-five days after he or she becomes a candidate.

#### **7400.7(e) Procedure Regarding Deletion Requests**

(1) A candidate may request deletion of one or more items of information from the copy of the financial disclosure statement made available to the public by filing a written request with the Commission on or before the date that his or her financial disclosure statement is due.

(2) The request for the deletion shall include:

- (i) the name, home address, work address, and work telephone number of the candidate requesting the deletion;
- (ii) the information which the candidate seeks to have deleted;
- (iii) a statement in support of the candidate's claim that the information that would otherwise be made available for public inspection will have no material bearing on the discharge of the candidate's official duties, if he or she is elected, giving specific reasons and justifications therefor. Documentation supporting this statement may be annexed to the request.

(3) The request for deletion must be signed by the candidate requesting the deletion, and must be filed with a complete financial disclosure statement containing the information sought to be deleted.

#### **7400.7(f) Commission Action Regarding Deletion Requests**

(1) Upon receipt of a request for deletion of one or more items of information from the copy of the financial disclosure statement made available to the public, the Commission shall review the material filed to determine if the information will have a material bearing on the discharge of the candidate's official duties, if he or she is elected.

(2) If the Commission determines that additional information would be useful, it may request such information from the candidate requesting the deletion. The Commission, in its discretion, may request a meeting with the candidate to discuss the deletion request.

(3) Unless the Commission decides by a majority of the total members of the Commission without vacancy that the information that would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the candidate's official duties, if he or she is elected, the Commission shall deny the request for deletion.

In applying the material bearing standard to decide deletion requests, the

Commission weighs competing public and private interests including the following:

- (i) Whether the disclosure of the information could pose a safety threat to the candidate or his or her family, and the nature of that threat, including its seriousness and imminence;
- (ii) Whether the information may relate in a substantial and important way to the candidate's official duties, if he or she is elected;
- (iii) Whether the information could reveal or relate to an actual or potential conflict of interest;
- (iv) Such other factors as may be relevant.

Judiciary Law §211(4) and 22 NYCRR Part 40 establish a strong public policy favoring disclosure. Thus candidate otherwise required to file, who have requested deletions, must demonstrate that an individual exception to this policy is warranted.

(4) The Commission shall give written notice of its decision to the candidate requesting the deletion, by overnight mail. The Commission shall also advise the candidate of its decision by telephone.

#### **7400.7(g) Public Inspection of Statements**

(1) An inspector may obtain copies of financial disclosure statements prepared for public inspection by regular mail or email, or inspect the copies in the Ethics Commission office. Office inspections can be scheduled every day the office is open for business during the hours 10:00 a.m. through 12:00 p.m. and 2:00 p.m. through 4:00 p.m., or other times at the discretion of the Statement Inspection Officer.

(2) An inspector must file a written request for public inspection. Public inspection copies of statements will be provided to the inspector in a timely manner determined by the needs of the inspector, the number of statements requested, and the workload of the Ethics Commission staff at the time of the request.

(3) The financial disclosure statement of a candidate who has filed a deletion request shall not be available for public inspection pending a decision on the request.

The fact that a deletion request has been made will be confidential; all documents pertaining to the request, including the decision, will also be confidential and not available for public inspection.

(4) If the Commission has denied a deletion request, the financial disclosure statement of the candidate who made the request shall not be available for public inspection for three days from the date on which notice of the denial is mailed to the candidate by the Commission.

(5) All documents pertaining to a request for public inspection shall be confidential and not available for public inspection. The identities of public inspectors, and the fact that a statement has been inspected, are confidential and will not be made available to the public or to filers.

(6) An unredacted copy of a financial disclosure statement, including information not available for public inspection, may be released in compliance with a subpoena.

**APPENDIX C**

***FINANCIAL DISCLOSURE FORM***

**State of New York**  
**ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM**  
 25 Beaver Street/New York, NY 10004/Room 875  
 Intranet address: UCS Home Page under "Topics A-Z"  
 Internet address: [www.nycourts.gov/ip/ethics](http://www.nycourts.gov/ip/ethics)

**ANNUAL STATEMENT of FINANCIAL DISCLOSURE: For calendar year 2016**

1. NAME

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2. (a) JOB TITLE

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(b) CURRENT WORK ADDRESS

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(c) CURRENT WORK TELEPHONE NUMBER

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3. (a) MARITAL STATUS IF MARRIED, PLEASE GIVE SPOUSE'S FULL NAME  
(INCLUDING MAIDEN NAME WHERE APPLICABLE)

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(b) LIST THE NAMES OF ALL UNEMANCIPATED CHILDREN

---

Answer each of the following questions completely, with respect to calendar year 2016, 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: A- under \$5,000;**

- B- \$5,000 to under \$20,000;**
- C- \$20,000 to under \$60,000;**
- D- \$60,000 to under \$100,000;**
- E- \$100,000 to under \$250,000;**
- F- \$250,000 to under \$500,000**
- G- \$500,000 to under \$1,000,000;**
- H- \$1,000,000 to under \$3,000,000;**
- I- \$3,000,000 to under \$5,000,000;**
- J- \$5,000,000.00 and over.**

A reporting individual shall indicate the category by letter only.

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

The term "calendar year" shall mean the year ending 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.

NONE

<u>POSITION</u>	<u>ORGANIZATION</u>	<u>STATE OR LOCAL AGENCY</u>
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4. (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 position; 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.

NONE

<u>SPOUSE OR CHILD</u>	<u>POSITION</u>	<u>ORGANIZATION</u>	<u>STATE OR LOCAL AGENCY</u>
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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.

NONE

<u>POSITION</u>	<u>NAME AND ADDRESS OF ORGANIZATION</u>	<u>DESCRIPTION</u>	<u>STATE OR LOCAL AGENCY</u>
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5. (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.

NONE

<u>SPOUSE OR CHILD</u>	<u>POSITION</u>	<u>NAME AND ADDRESS OF ORGANIZATION</u>	<u>STATE OR LOCAL AGENCY</u>
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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.

NONE

<u>SELF, SPOUSE OR CHILD</u>	<u>ENTITY WHICH HELD INTEREST IN CONTRACT</u>	<u>RELATIONSHIP TO ENTITY INTEREST IN CONTRACT</u>	<u>CONTRACTING STATE OR LOCAL AGENCY</u>	<u>CATEGORY OF VALUE OF CONTRACT</u>
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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 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.

NONE

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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

8. (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

NONE

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

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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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.

NONE

<u>SELF, SPOUSE OR CHILD</u>	<u>NAME OF DONOR</u>	<u>ADDRESS</u>	<u>NATURE OF GIFT</u>	<u>CATEGORY OF VALUE OF GIFT</u>
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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 "reimbursement" does NOT include gifts reported under Item 9.

NONE

<u>SOURCE</u>	<u>DESCRIPTION</u>
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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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, 403b, 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.

NONE

IDENTITY (INCLUDING BANK/FINANCIAL INSTITUTION)

CATEGORY OF VALUE\*

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\*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).

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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

12. (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

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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 **EARNED BY YOU AND YOUR SPOUSE** (other than that received by you 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 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.

**NONE !STOP! DO NOT CHECK THE NONE BOX IF YOUR SPOUSE EARNED INCOME FROM EMPLOYMENT IN EXCESS OF \$1,000**

<u>SELF/SPOUSE</u>	<u>SOURCE (Identify Bank/Financial Institution/Issuing Entity)</u>	<u>NATURE</u>	<u>CATEGORY OF AMOUNT</u>
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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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.

NONE

SOURCE

CATEGORY OF AMOUNT

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

NONE

ITEM ASSIGNED OR TRANSFERRED

ASSIGNED OR TRANSFERRED TO

CATEGORY OF VALUE

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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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 50 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.

NONE

<u>SELF/ SPOUSE</u>	<u>ISSUING ENTITY</u>	<u>TYPE OF SECURITY</u>	<u>PERCENTAGE OF CORPORATE STOCK OWNED OR CONTROLLED</u> (If more than 5% of publicly traded stock, or more than 10% of stock not publicly traded, is held)	<u>CATEGORY OF MARKET VALUE</u> As of the close of the taxable year last occurring prior to the filing of this statement
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Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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 50 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.

NONE

<u>SELF/SPOUSE CORPORATION</u>	<u>LOCATION*</u>	<u>SIZE</u>	<u>GENERAL NATURE</u>	<u>ACQUISITION DATE</u>	<u>PERCENTAGE OF OWNERSHIP</u>	<u>CATEGORY OF MARKET VALUE</u>
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\*Including number, street, town and state.

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 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

NONE

<u>NAME OF DEBTOR</u>	<u>TYPE OF OBLIGATION, DATE DUE, AND NATURE OF COLLATERAL, IF ANY</u>	<u>CATEGORY OF AMOUNT</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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.

NONE

<u>NAME OF CREDITOR OR GUARANTOR</u>	<u>TYPE OF LIABILITY AND COLLATERAL, IF ANY</u>	<u>CATEGORY OF AMOUNT</u>
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.....	.....	.....
.....	.....	.....
.....	.....	.....

Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

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

**Signature of Reporting Individual**

**Date (month/day/year)**

**STOP**            **DID YOU REPORT YOUR SPOUSE'S INCOME FROM EMPLOYMENT IN QUESTION 13**

**DID YOU ANSWER EVERY QUESTION**

**DID YOU SIGN AND DATE YOUR STATEMENT**

**APPENDIX D**

**THE CHIEF ADMINISTRATOR'S RULES, 22NYCRR §100.5(A)(4)(g)**

Statutory authority: Constitution, art. VI, §20

(A) Incumbent Judges and Others Running for Public Election to Judicial Office.

\* \* \*

(4) A judge or non-judge who is a candidate for public election to judicial office:

\* \* \*

(g) shall file with the Ethics Commission for the Unified Court System a financial disclosure statement containing the information and in the form set forth in the annual statement of financial disclosure adopted by the Chief Judge of the State of New York. Such statement shall be filed within 20 days following the date on which the judge or non-judge becomes such a candidate; provided, however, that the Ethics Commission for the Unified Court System may grant an additional period of time within which to file such statement in accordance with rules promulgated pursuant to section 40.1(i)(3) of the Rules of the Chief Judge of the State of New York (22 NYCRR). Notwithstanding the foregoing, compliance with this subparagraph shall not be necessary where a judge or non-judge already is or was required to file a financial disclosure statement for the preceding calendar year pursuant to Part 40 of the Rules of the Chief Judge.

## APPENDIX E

### Job Titles Of Designated Policymakers

If a title is held by more than one person, not all persons holding the title have necessarily been designated policymakers.

#### **A. APPELLATE DIVISION, FIRST DEPARTMENT**

- Acting Presiding Justice
- Associate Justice
- Clerk of the Court
- Deputy Clerk of the Court
- Supervisor, Decision Department
- Supervisor of Motions and Order Department
- Chief Appellate Court Attorney
- Deputy Chief Appellate Court Attorney
- Chief Clerk, Appellate Term
- Chief Court Attorney, Appellate Term
- Deputy Chief Court Attorney, Appellate Term
- Director, MHLS
- Deputy Director, MHLS
- Executive Secretary, Committee on Character and Fitness
- Chief Counsel, Departmental Disciplinary Committee
- Deputy Chief Counsel, Departmental Disciplinary Committee
- Director, Attorneys for Children

#### **B. APPELLATE DIVISION, SECOND DEPARTMENT**

- Presiding Justice
- Associate Justice
- Chief of Staff
- Clerk of the Court
- Deputy Clerk
- Associate Deputy Clerk
- Chief Appellate Court Attorney
- Assistant Deputy Chief Court Attorney
- Clerk, Appellate Term
- Deputy Clerk, Appellate Term
- Chief Court Attorney, Appellate Term
- Assistant Deputy Chief Court Attorney, Appellate Term
- Director, Attorneys for Children

- Director, MHLS
- Deputy Director, MHLS
- Executive Director for Attorney Matters
- Chief Counsel, Grievance Committee, Second, Eleventh & Thirteenth Districts
- Deputy Counsel, Grievance Committee, Second, Eleventh & Thirteenth Districts
- Chief Counsel, Grievance Committee, Ninth District
- Deputy Counsel, Grievance Committee, Ninth District
- Chief Counsel, Grievance Committee, Tenth District
- Deputy Counsel, Grievance Committee, Tenth District

#### **C. APPELLATE DIVISION, THIRD DEPARTMENT**

- Presiding Justice
- Associate Justice
- Clerk of the Court
- Deputy Clerk of the Court
- Chief Appellate Court Attorney
- Consultation Clerk
- Chief Attorney, Professional Standards
- Director, Attorneys for Children
- Director, MHLS
- Personnel & Fiscal Director
- Admissions Director
- Chief Motion Clerk
- Chief of Security
- Technical Services Manager
- CASP Administrator

**D. APPELLATE DIVISION, FOURTH DEPARTMENT**

- Presiding Justice
- Associate Justice
- Clerk
- Deputy Clerk
- Chief Appellate Court Attorney
- Chief Counsel, Grievance Committee
- Director, Attorneys for Children
- Director, MHLS

**E. COURT OF APPEALS**

- Chief Judge
- Senior Associate Judge
- Associate Judge
- Clerk of the Court
- Assistant Deputy Clerk
- Chief Motion Clerk
- Consultation Clerk
- Assistant Consultation Clerk
- Chief Court Attorney
- Chief Legal Reference Attorney
- Director, Management and Operations
- State Reporter
- State Board of Law Examiners:
  - Chair
  - Member of the Board
  - Executive Director
  - Deputy Executive Director

**F. TRIAL COURTS**

*In Alphabetical Order*

- Administrative Judge
- Administrative Judge-Certified
- Administrative Judge Acting Supreme Court Justice
- Assistant Deputy Chief Clerk
- Assistant Deputy Counsel
- Chief Administrative Judge
- Chief Budget Analyst
- Chief Clerk I
- Chief Clerk I Multi
- Chief Clerk II
- Chief Clerk II Multi
- Chief Clerk III
- Chief Clerk IV
- Chief Clerk IV\*
- Chief Clerk IV COJ\*
- Chief Clerk V\*

- Chief Clerk VI
- Chief Clerk VII
- Chief Deputy County Clerk
- Chief Internal Auditor
- Chief Management Analyst
- Chief of Operations, OCA
- Chief Records Officer
- Chief of Policy and Planning
- Chief of Staff
- Commissioner of Jurors
- Commissioner of Jurors I
- Commissioner of Jurors II
- Commissioner of Jurors III
- Commissioner of Jurors IV
- Commissioner of Jurors IV\*
- Coordinator of Jury and Data Services
- Counsel
- Counsel to County Clerk\*
- Counsel to the NY State Continuing Legal Education Board
- County Clerk
- Dean of Judicial Institute
- Deputy Administrative Judge (NYC)
- Deputy Chief Administrative Judge
- Deputy Chief Clerk I
- Deputy Chief Clerk II
- Deputy Chief Clerk III
- Deputy Chief Clerk III\*
- Deputy Chief Clerk IV
- Deputy Chief Clerk V
- Deputy Counsel
- Deputy Counsel, Family Law
- Deputy Director of Administrative Services
- Deputy Director of Court Operations
- Deputy Director of Human Resources
- Deputy Director of ITS for Statewide Network Services
- Deputy Inspector General
- Director of Administrative Services
- Director of Communications
- Director Court Facilities Management
- Director of Financial Management
- Director of Human Resources
- District Executive
- Executive Assistant
- Executive Director, OCA
- First Deputy Chief Clerk
- First Deputy Counsel

- First Deputy County Clerk
- Inspector General
- Principal Administrative Assistant
- Principal Management Analyst
- Senior Administrative Assistant
- Senior Technical Manager
- Special Assistant Deputy to Chief Administrative Judge
- Special Counsel
- Special Counsel Justice Courts
- Special Project Coordinator
- Supervising Judge (NYC)
- Supervising Judge (Upstate Courts)
- Vice Dean Of Judicial Institute, Family and Matrimonial

## APPENDIX F

### Employees In The Following Job Titles Are Exempted From Filing Financial Disclosure Statements

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>● Legal Editor</li><li>● Senior Legal Editor</li><li>● Chief Court Attendant, Appellate Division</li><li>● Education and Training Coordinator</li><li>● Senior Law Librarian</li></ul> |  |
|--|--|