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JCOPE RESOLUTION 21-03

By virtue of the authority vested in the Joint Commission on Public Ethics (“the Commission”) under Section 94 of the Executive Law, and in particular, paragraph 16 thereunder, the Commission states as follows:

WHEREAS, by letter dated July 10, 2020 (the “Approval Request Letter”), a request was made on behalf of Governor Andrew Cuomo to the Commission for approval on stated conditions to engage in an outside activity relating to the authorship of a book in exchange for monetary royalties or other compensation therefrom. No title for the book was provided in the Approval Request Letter, which describes the book “as a memoir of [Governor Cuomo’s] professional and personal life since his last book” (the “Book”); and

WHEREAS, the Approval Request Letter represented that “the Governor will abide by all nine of the established requirements” for receiving compensation for writing a book and, in particular, represented to the Commission that Governor Cuomo “will write the [B]ook entirely on his own time, without the use of State resources or personnel”; and

WHEREAS, by letter dated July 17, 2020, the Commission’s staff issued an informal advisory opinion conveying conditional approval of the outside activity described in the Approval Request Letter (the “Conditional Approval Letter”); and

WHEREAS, among the other conditions to approval stated therein, the Conditional Approval Letter imposed, without qualification or exception, the condition that “No state property, personnel or other resources may be utilized for activities associated with the book”; and

WHEREAS, contrary to the representations made on behalf of Governor Cuomo, and not disclosed to the Commission, State property, resources and personnel, including staff volunteers, were used in connection with the preparation, writing, editing and publication of the Book; and

WHEREAS, the Approval Request Letter further represented that the Book would be a continuation of Governor Cuomo’s first book, a memoir published in 2012, and that consistent with item three of the nine established requirements “the subject matter was sufficiently unrelated to his job responsibilities so that authorship or the advice or material provided in the [B]ook could not be viewed as part of his job,” and

WHEREAS, the Conditional Approval Letter expressly conveys conditional approval of outside activity comprised solely of authoring “a continuation of [the Governors] last book, *All Things Possible: Setbacks and Successes in Politics and Life*.”

WHEREAS, contrary to the representations made in the Approval Request Letter, the Book is not in compliance with item three of the Commission’s nine established conditions to approval as stated in the Conditional Approval Letter, in that it is a work that was developed as part of Governor Cuomo’s job responsibilities and is substantially related to his job responsibilities;
and

WHEREAS, the Approval Request Letter submitted on behalf of Governor Cuomo stated, “Specifically, Governor Cuomo is seeking to author a book in the very near future...”, when, in fact, the Book was completed or substantially completed prior to the issuance of the Conditional Approval Letter; and

WHEREAS, the financial and payment terms, and all other terms and conditions involving the Book’s publication, were set forth in a contract between Governor Cuomo and his publisher, and that contract was withheld from the Commission prior to and after issuance of the Conditional Approval Letter; and

WHEREAS, the Approval Request Letter for the Book submitted on behalf of Governor Cuomo contained material omissions and misrepresentations, and that each of said material omissions and misrepresentations, individually, constitutes a ground for revocation;

NOW THEREFORE, it is

RESOLVED, that the Conditional Approval Letter be and it hereby is revoked; and it is

FURTHER RESOLVED, that the Commission’s determination herein is without prejudice to its prerogative or responsibility to find additional grounds in fact or law for revocation of the Conditional Approval Letter should future circumstances so warrant.

Approved: Jose L. Nieves
Chair

Richard F. Braun
Terry L. Brown
Colleen C. DiPirro
Sharon Stern Gerstman
C. Randall Hinrichs
Marvin E. Jacob
Gary J. Lavine
James W. McCarthy
David J. McNamara
George H. Weissman
James A. Yates
Members

Dissent: William P. Fisher
Member

Dated: November 16, 2021