New York State Ethics Commission for the Unified Court System

2014 Commission Report

For Reporting Year 2013

Hon. William F. Mastro
Chair

Antonio Galvao, Esq. (commencing April, 2014)

Kathryn Grant Madigan, Esq.

Hon. Erin M. Peradotto

Vincent J. Syracuse, Esq.

Prof. Steven Wechsler (through March, 2014)

Commissioners

Janice Howard, Esq.
Executive Director

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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.

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 nonjudical 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 C.

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.

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 2014, 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; and was re-appointed in November, 2013.

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

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

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; and was re-appointed in November, 2011.

Vincent J. Syracuse, Esq., an attorney in private practice in New York City. Mr. Syracuse was appointed to the Commission in March, 2010 to complete a predecessor Commissioner's term; and was re-appointed in November, 2010.

Steven Wechsler, **Esq.,** Professor, Syracuse University College of Law. Professor Wechsler was appointed to the Commission in November, 2009. He left the Commission in March, 2014.

In 2014, there were three Commission staff members, Janice Howard, Executive Director; Milagros Davila Butler, Senior Court Analyst and Zev Zeilingold, part time, 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. 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. The filing threshold for reporting year 2013 was $90,020.00.

Commencing in 2006, pursuant to 22 NYCRR Section 100.5(A)(4)(g), 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 B.

Individuals who met the filing requirements and were employed by the Unified Court System from January 1, 2014 through April 15, 2014, were required to file their 2013 statements on or before May 15, 2014. Individuals who met the filing requirements and who commenced employment after April 15, 2014, were required to file within thirty days of commencing employment. A filer may request an extension of time to file due to justifiable cause or undue hardship.

Judges, justices and nonjudicial officers or 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. Paper forms can be obtained from the Commission website, or the Commission office. 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 or 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 D for a list of the job titles held by such employees.

Every year, the Commission reviews its operations to ascertain what changes can be made to make the financial disclosure process even more efficient, accurate, user friendly, cost effective and environmentally sound than the year before. Based on questions and comments from filers, we revise our filing instructions. All our forms are reviewed, and if necessary, updated. In 2014, Commission procedures 7400.5 and 7400.7 were revised and updated for greater clarity and to conform to existing Commission policies.

The Commission introduced a new electronic filing system in 2013. The system was a great success; popular with filers and administratively successful. Even though the new electronic filing system was introduced three months into the filing year, approximately fifty two percent of all individuals who filed in 2013 did so electronically. In 2014, the system was significantly improved. Now, individuals who filed electronically in the previous year can copy the information from that statement into the current year's electronic statement. Once copied, the information can be edited so that it is accurate for the current year. This change made the system even more user friendly and efficient. In 2014, approximately sixty four percent of all individuals who filed did so electronically.

In 2014, decisions made by the Commission in 2013 to deny previously granted job title filing exemption requests became effective. The decisions pertained to the following job titles:

Senior Mental Health Information Officer;
Principal Mental Health Information Officer;
Principal Computer Systems Analyst;
Associate Computer Systems Analyst;
Senior Computer Systems Analyst;
Principal Computer Applications Programmer;
Associate Computer Applications Programmer;
Senior Associate Computer Applications Programmer;
Principal Computer Systems Programmer;
Associate Computer Systems Programmer;
Senior Computer Systems Programmer.

The original decisions granted filing exemptions for all employees in the relevant job titles were made in 1991 and 1995. The new decisions denying the filing exemptions were necessitated by changes that have taken place in the administration and operation of the Unified Court System.

In 2014, the Chief Judge's Rule regarding public inspection of categories of value and amount was amended. This amendment did not affect statements pertaining to the reporting year that is the subject of this Annual Report, 2013. Commencing with annual statements of financial disclosure pertaining to calendar year 2014, categories of value and amount will be available for public inspection. Such categories reported in statements pertaining to calendar years prior to 2014 will remain unavailable for public inspection. See Appendix A, 22NYCRR Section 40.1(p). See Appendix D, Procedure 7400.5(b).

Certain Commission policies were reconsidered, revised and updated in 2014. If a filer is separated from his or her spouse, the filer is not required to report any information pertaining to the spouse. Prior to 2014, to be considered separated for the purpose of financial disclosure, the filer had to have been separated for the entire relevant reporting year. As of 2014, to be considered separated for the purpose of financial disclosure, the filer must be separated as of the date the statement is filed. In addition, the Commission discontinued the use of the statement of marital status to document the separated status. A filer is not required to report any information pertaining to his or her emancipated child. Prior to 2014, to be considered emancipated for the purpose of financial disclosure, the child had to be at 18 years old, or older, for the entire relevant reporting year. As of 2014, to be considered emancipated for the purpose of financial disclosure, the child must be 18 years old, or older, as of the date the statement is filed. These changes were made to improve administrative efficiency and achieve conformity in the reporting of marital status and the reporting of information pertaining to unemancipated children. See Appendix C, Procedure 7400.3(a) and (e).

The Chief Judge's Rule authorizes the Commission to grant filers extensions of time to file their annual statements of financial disclosure and mandates that the Commission provide for a date beyond which no further extensions can be granted. See Appendix A, 22NYCRR Section 40.1(i)(3). In 2014, the final extension dates were revised and expanded to better correspond to the manner in which financial disclosure deadlines have changed over the years. See Appendix C, Procedure 7400.2(d)(6).

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 a key factor in maintaining public confidence in the integrity of the New York State judicial system.

FILERS

22NYCRR§40.2
(See Chart I)

A total of 5,378 judges, justices and nonjudical officers or employees of the Unified Court System were required to file financial disclosure statements pertaining to reporting year 2013.

1,196	judges and justices of the Unified Court System
4,182	nonjudicial officers or 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

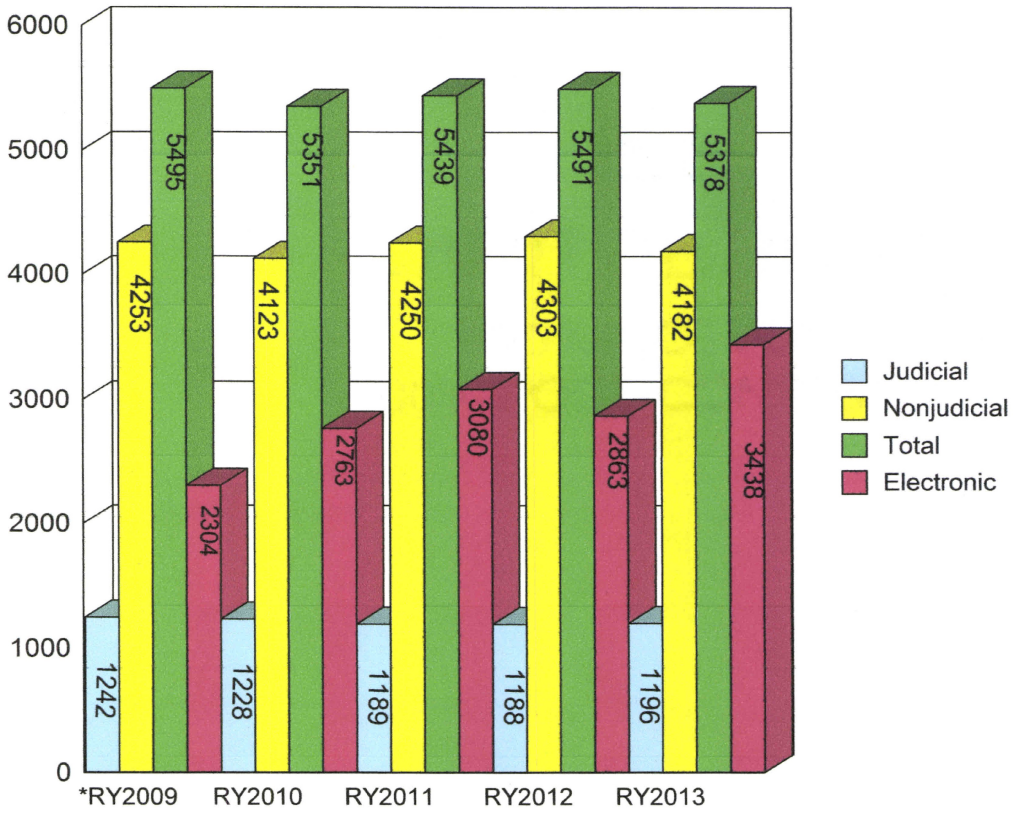
A total of 3,438 judges, justices and nonjudicial officers or employees filed online.

Judicial Candidates
22NYCRR§100.5(A)4(g)
22NYCRR§7400.7

A total of 83 judicial candidates, not employed by the Unified Court System, filed financial disclosure statements pertaining to reporting year 2013.

CHART I

Judges, Justices and Nonjudicial Officers and Employees Required To File



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Judicial	1242	1228	1189	1188	1196
Nonjudicial	4253	4123	4250	4303	4182
Total	5495	5351	5439	5491	5378
Electronic	2304	2763	3080	2863	3438

*"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. See Appendix C, Commission Procedures, for the factors weighed by the Commission in deciding such requests.

The Commission received five individual filing exemption requests regarding statements pertaining to calendar year 2013. All the requests were denied. As noted in the "Financial Disclosure" section of this Report, in 2013, the Commission reconsidered and denied certain previously granted job title filing exemption requests. Those decisions became effective in 2014. All employees in the job titles listed in Appendix E, who are not designated as policymakers for the purpose of financial disclosure, are exempt from filing based on previously granted 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 Chart II)
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 C, 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 or employees pertaining to reporting year 2013.

6 requests were granted
0 requests were denied

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

Deletion Requests (see Chart III)
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 C, Commission Procedures, for the factors weighed by the Commission in deciding such requests.

Deletion requests were filed by 25 judges, justices, and nonjudicial officers or employees for reporting year 2013.

25 requests were granted in full or in part
0 requests were denied in full

No judicial candidate filed a deletion request.

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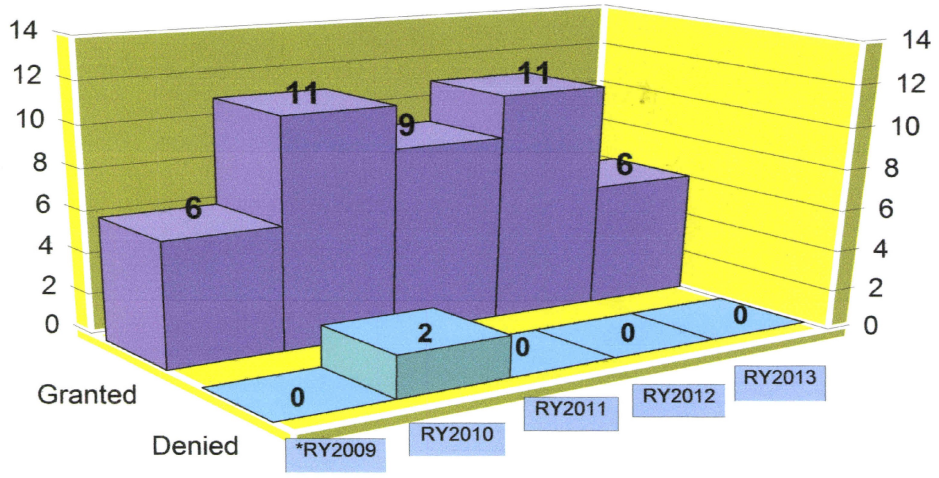
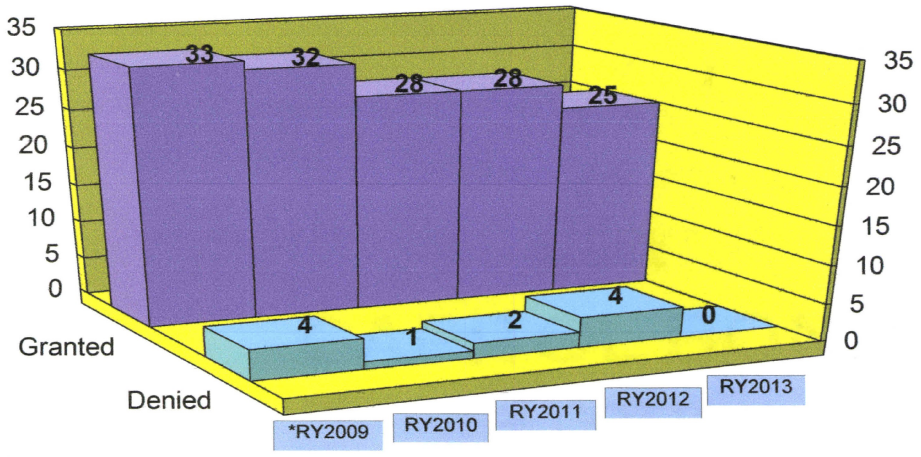
CHART II
FAMILY EXEMPTION REQUESTS



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Granted	6	11	9	11	6
Denied	0	2	0	0	0

CHART III
DELETION REQUESTS



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Granted	33	32	28	28	25
Denied	4	1	2	4	0

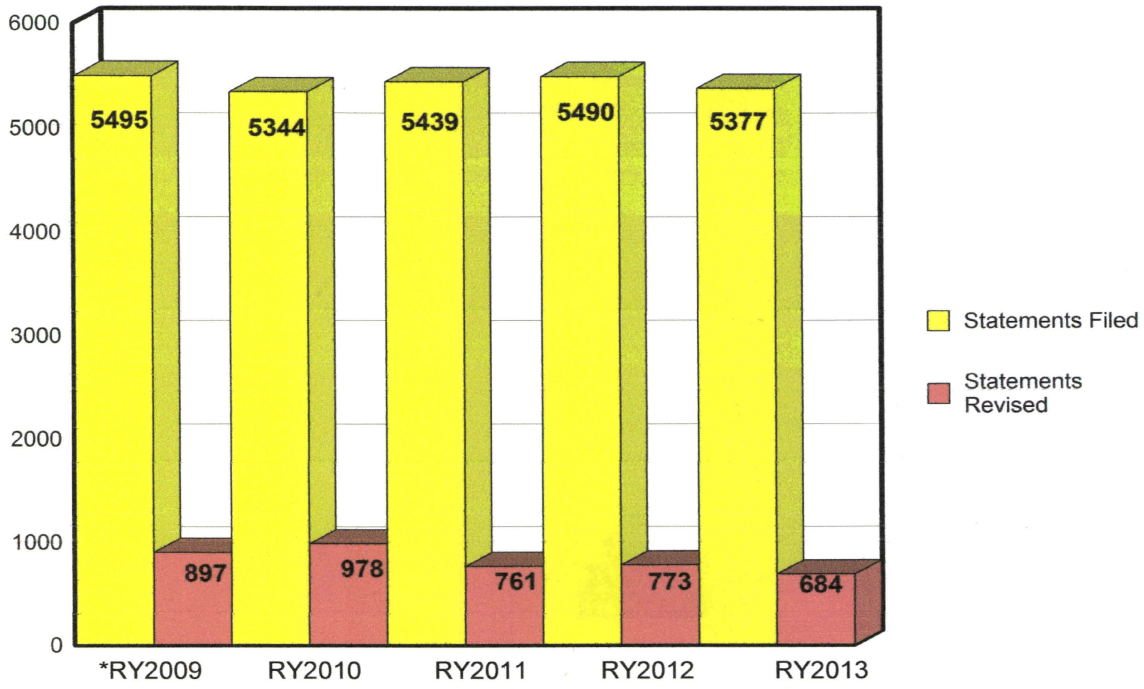
*"RY" denotes reporting year

REVISIONS
22NYCRR§40.1(i)(5)

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 5,377 statements were filed for reporting year 2013; of these, 684 had to be revised. It is notable that of the 1,939 paper statements filed, 373 or approximately 19%, had to be revised, while of the 3,438 electronic statements filed, only 311, or approximately 9%, 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.

CHART IV
REVISIONS



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Statements Filed	5495	5344	5439	5490	5377
Statements Revised	897	978	761	773	684
Percentage of Statements Revised	16.3%	18.3%	14%	14.1%	13%

*"RY" denotes reporting year

PUBLIC INSPECTION

22NYCRR§40.1(p)(1)/22NYCRR§7400.5

(see Chart V)

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 destroyed. In filing year 2014, reporting year 2013, statements filed for reporting year 2006 were destroyed.

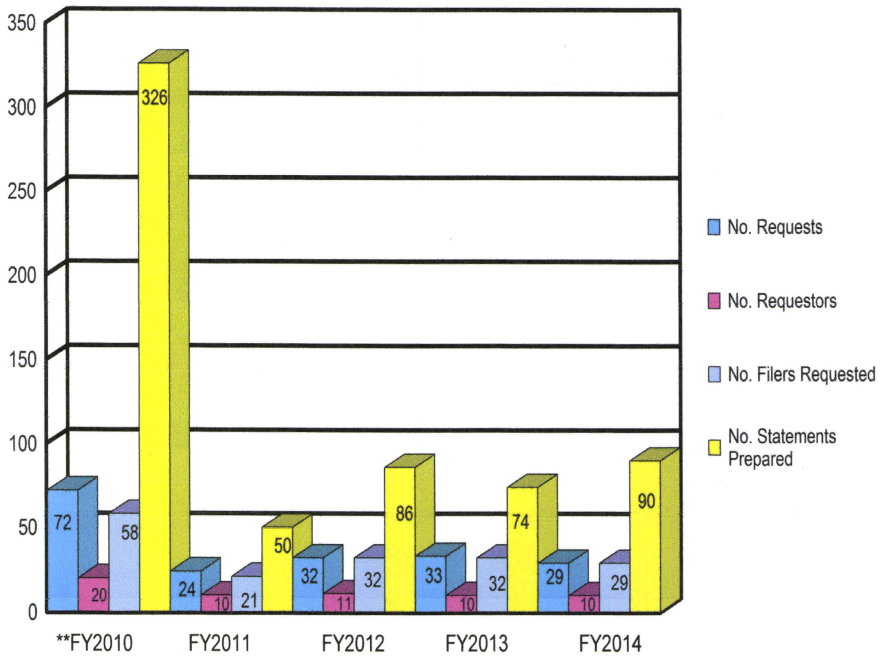
The information contained in a financial disclosure statement maintained by the Commission is available for public inspection, except for categories of value or amount in statements pertaining to reporting years prior to reporting year 2014, the names of unemancipated children, and any information deleted 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.

Any person may purchase an inspection copy of a statement from the Commission offices, or such copy can be delivered to the inspector by regular mail or by e-mail. The purchase price is based on the copying fee of $.25 per page, plus one dollar per statement for regular mailing. An inspection copy of a statement may be viewed at the Commission offices without charge.

In 2014, 29 requests were made, by 10 persons, for inspection of statements filed by 29 judges, justices and nonjudicial officers or employees of the Unified Court System. In response to these requests, a total of 90 statements were prepared for public inspection.

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

CHART V
PUBLIC INSPECTION*



	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
No. Requests	72	24	32	33	29
No. Requestors	20	10	11	10	10
No. Filers Requested	58	21	32	32	29
No. Statements Prepared	326	50	86	74	90

*This Chart 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 filing year

DELINQUENCIES
22NYCRR§40.1(k)(l)(m)

Notices to Cure
(see Chart VI)

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 372 judges, justices and officers or employees for failure to timely file, or re-file statements pertaining to reporting year 2013.

49 were sent to judges or justices of the Unified Court System
323 were sent to nonjudicial officers or employees

Eight judges, justices, and nonjudicial officers or employees left the Unified Court System without filing, after receiving Notices to Cure. Of the remaining active individuals, all but 61 responded to the Notices to Cure by filing, or re-filing their financial disclosure statements.

Notices of Delinquency
(see Charts VI and VII)

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 or employees.

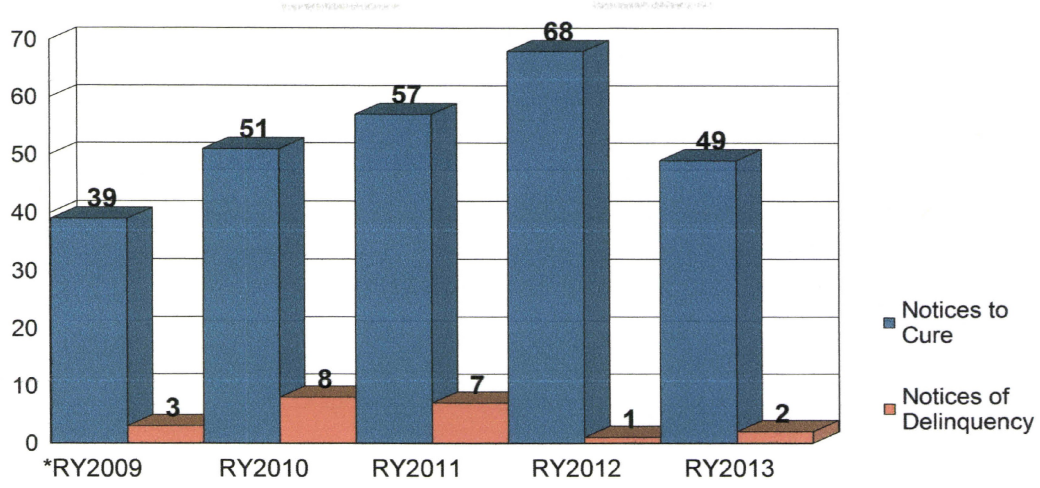
A judge, justice or nonjudicial officer or employee who knowingly and willfully fails to file a financial disclosure statement, or who knowingly and willfully with intent to deceive makes a false statement or reports information which he or she knows to be false, shall be subject to disciplinary action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

Notices of Delinquency were issued to 61 judges, justices and nonjudicial officers or employees for failure to file, or re-file statements pertaining to reporting year 2013.

2 were sent to judges or justices of the Unified Court System
59 were sent to nonjudicial officers or employees

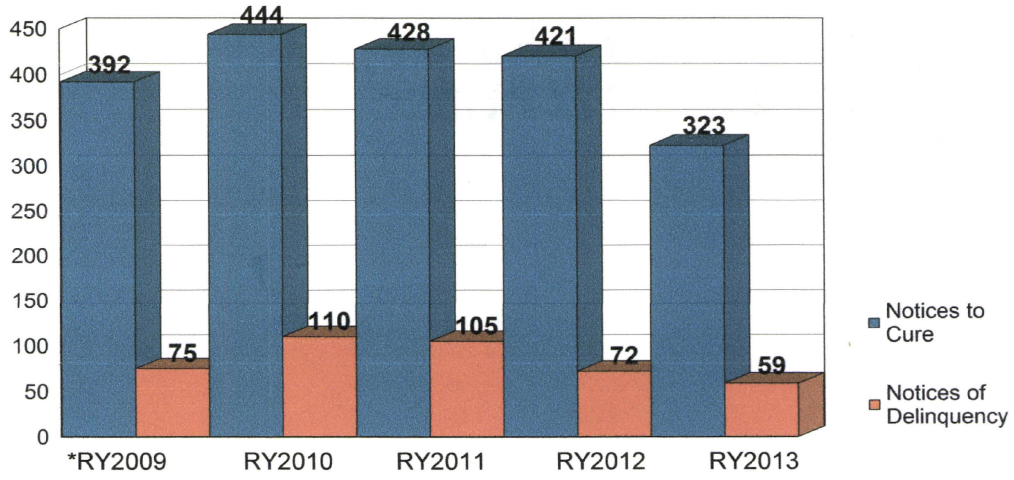
CHART VI
NOTICES TO CURE AND NOTICES OF DELINQUENCY

JUDGES OR JUSTICES OF THE UNIFIED COURT SYSTEM



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Notices to Cure	39	51	57	68	49
Notices of Delinquency	3	8	7	1	2

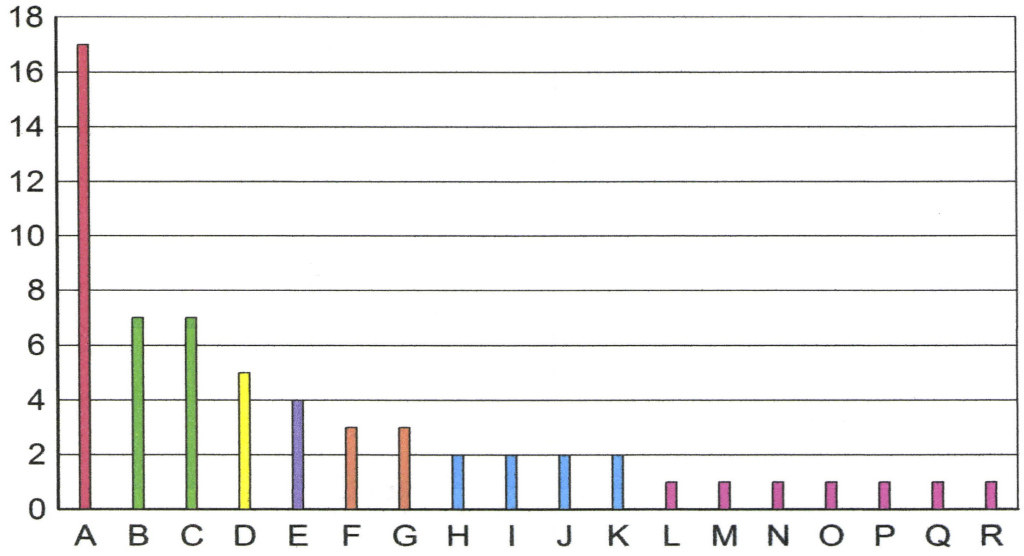
NONJUDICIAL OFFICERS OR EMPLOYEES



	RY 2009	RY 2010	RY 2011	RY 2012	RY 2013
Notices to Cure	392	444	428	421	323
Notices of Delinquency	75	110	105	72	59

*"RY" denotes reporting year

Chart VII
NOTICES OF DELINQUENCY BY TITLE



A	17	Court Reporters
B	7	Attorneys
C	7	Court Clerks
D	5	Court Attorneys
E	4	Chief Clerks
F	3	Law Clerks
G	3	Management Analysts
H	2	Computer Programmers
I	2	Court Analysts
J	2	Judges/Justices
K	2	Local Area Network Administrators
L	1	Commissioner of Jurors
M	1	Computer Analysts
N	1	Counsel
O	1	County Clerk
P	1	Court Officer
Q	1	Law Librarian
R	1	NYS Security Coordinator

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 fifty nine nonjudicial officers or employees for failure to file, or re-file, statements pertaining to reporting year 2013.

Thirty eight nonjudicial officers or employees filed in response to their Notices of Delinquency.

Three employees left the Unified Court System after their Notices of Delinquency were issued. One employee was on terminal sick leave. These four employees did not file financial disclosure statements; OCA took no action against them.

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

CJC Action

Notices of Delinquency were sent to two judges for failure to file statements pertaining to reporting year 2013. Both judges filed in response to the Notices.

CJC deems the Notices to be “complaints”. For each judge, CJC “completed” its “review of” the Ethics Commission “letter of complaint” and “concluded that no further action is necessary.”

The names of delinquent filers are posted on the Commission website; see Appendix F. An analysis by job title reveals that the largest single group of late filers is Court Reporters, as has been true every year.

APPENDIX A

THE CHIEF JUDGE'S RULE, 22 NYCRR PART 40
FINANCIAL DISCLOSURE (amended November, 2014)

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.

THE CHIEF JUDGE'S RULE, 22 NYCRR PART 40
FINANCIAL DISCLOSURE (previous version)

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 except the categories of value or amount and the names of unemancipated children, which shall remain confidential, 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

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 C

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

(1) An employee individually, or 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:

i) March 1st of the year in which the exemption is requested if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, of that year;
or
ii) Fifteen 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 16th through December 31st of the year in which the exemption is requested.

(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 (amended November, 2014)

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 required to file a financial disclosure statement:

(i) on or before May 15th may request an extension of time to file his or her statement by filing a request with the Commission on or before May 15th of the year in which such extension is requested;

or

(ii) within thirty days of the date that the employee commences employment (which includes a change to a new job title that requires him or her to file) may request an extension of time to file his or her statement by filing a request with the Commission within thirty days of the date the employee commences employment.

(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 by 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 31st in the current filing year, if the filing due date is in

May in the current filing year; or

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

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

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

(v) beyond February 28th 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 15th of the year that filing is required, if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, 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 16th through December 31st 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 7400.2 (previous version)

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 required to file a financial disclosure statement:

(i) on or before May 15th may request an extension of time to file his or her statement by filing a request with the Commission on or before May 15th of the year in which such extension is requested;

or

(ii) within thirty days of the date that the employee commences employment (which includes a change to a new job title that requires him or her to file) may request an extension of time to file his or her statement by filing a request with the Commission within thirty days of the date the

employee commences employment.

(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 by 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 September 30th of the year in which such filing is required, if the employee is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, of the year in which such extension is requested;

or

(ii) beyond October 31st of the year in which such filing is required, if the employee commences employment with the Unified Court System from April 16th through September 30th of the year in which such extension is requested;

or

(iii) beyond December 31st of the year in which such filing is required, if the employee commences employment with the Unified Court System on or after October 1st of the year in which such extension is requested;

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 15th of the year that filing is required, if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, 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 16th through December 31st 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 (amended January, 2014)

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:

(i) April 1st of the year in which such exemption is requested, if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, of that year;
or
(ii) Fifteen 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 16th through December 31st of the year in which the exemption is requested.

(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, other than the spouse's name, 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 7400.3 (previous version)

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

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 unless the husband or wife has been living separate and apart from such employee during the entire reporting year:

(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.

(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.

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:

(i) April 1st of the year in which such exemption is requested, if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, of that year;
or
(ii) Fifteen 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 16th through December 31st of the year in which the exemption is requested.

(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) Statement of Marital Status

If the husband or wife of the employee filing a financial disclosure statement is not a spouse as hereinbefore defined, the employee shall file with his or her financial disclosure statement a statement signed by the employee indicating that he or she has been living separate and apart from his or her husband or wife for the entire reporting year pursuant to a judicial order, decree, judgment or legally binding separation agreement, or with the intention of terminating the marriage or remaining permanently separated. This statement shall set forth the date of the separation and the current address of the employee's husband or wife.

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 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, or electronic, request with the Commission on or before:

(i) May 15th of the year in which the deletion is requested, if he or she is employed by the Unified Court System on January 1st, or commences employment from January 2nd through April 15th, 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 16th through December 31st of the year in which the deletion is requested.

(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. All requests, written or electronic, must be filed with a complete financial disclosure statement containing the information sought to be deleted.

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 (amended November, 2014)

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)maintain a schedule of copying fees;

(vi)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) Financial disclosure statements shall be available for public inspection, by appointment, at the Commission office at 25 Beaver Street, New York, New York, 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. Statements may be made available for public inspection at other times at the discretion of the Statement Inspection Officer.

(2) A person may obtain a copy of a financial disclosure statement in person, by mail, or by e-mail upon the payment of copying fees. The copying fee is $.25 per statement page for each statement copy obtained in person from the Commission office and an additional mailing fee of $1.00 for each statement copy mailed from the office. The same fees will apply to a filer's purchase of a copy of his or her own statement. The fees will be waived for all federal, state or local government agencies and departments.

(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 7400.5 (previous version)

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 section 40.1(p) of the Rule, the Commission shall make available for public inspection the information set forth in annual statements of financial disclosure required to be filed for the seven reporting years prior to and including the current year, except that categories of value or amount and the names of unemancipated children, and any other item of information deleted from public inspection by the Commission pursuant to section 40.1(l)(6) of the Rule, shall remain confidential and not available for public inspection. The Commission shall also make Notices of Delinquency available for public inspection.

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)maintain a schedule of copying fees;

(vi)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) Financial disclosure statements shall be available for public inspection, by appointment, at the Commission office at 25 Beaver Street, New York, New York, 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. Statements may be made available for public inspection at other times at the discretion of the Statement Inspection Officer.

(2) A person may obtain a copy of a financial disclosure statement in person, by mail, or by e-mail upon the payment of copying fees. The copying fee is $.25 per statement page for each statement copy obtained in person from the Commission office and an additional mailing fee of $1.00 for each statement copy mailed from the office. The same fees will apply to a filer's purchase of a copy of his or her own statement. The fees will be waived for all federal, state or local government agencies and departments.

(3) The financial disclosure statement of an employee who has filed an exemption or deletion request, or whose statement has been returned for revision, 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 kept confidential; the record and substance of the request will also be confidential and not available for public inspection.

(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) No documents pertaining to a request for public inspection shall be 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.

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 (amended January and December, 2014)

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(I)(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 more than twenty days after he or she becomes a candidate by filing a written request with the Commission on or before the 20th day after he or she becomes a candidate.

(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 by 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 20th 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 together with his or her financial disclosure statement.

(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) Financial disclosure statements shall be available for public inspection, by appointment, at the Commission office at 25 Beaver Street, New York, New York, 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. Statements may be made available for public inspection at other times at the discretion of the Statement Inspection Officer.

(2) A person may obtain a public inspection copy of a financial disclosure statement in person, by mail, or by e-mail upon the payment of copying fees. The copying fee is $.25 per statement page for each statement copy obtained in person from the Commission office and an additional mailing fee of $1.00 for each statement copy mailed from the office. The fees will be waived for all federal, state or local government agencies and departments.

(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.

SECTION 7400.7 (previous version)

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 financial disclosure statements required to be filed for the seven reporting years prior to and including the current year, except that categories of value or amount and the names of unemancipated children, and any other item of information deleted from public inspection by the Commission pursuant to 22 NYCRR Section 40.1(1)(6) shall remain confidential and not available for public inspection.

7400.7(c) Procedure Regarding Filing Extension

(1) A candidate may request an extension of time to file a financial disclosure statement more than twenty days after he or she becomes a candidate by filing a written request with the Commission on or before the 20th day after he or she becomes a candidate.

(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 by 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 20th 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 together with his or her financial disclosure statement.

(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 information is of a personal of particularly intimate nature;

(ii)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;

(iii)Whether the information may relate in a substantial and important way to the candidate's official duties, if he or she is elected;

(iv)Whether the information could reveal or relate to an actual or potential conflict of interest;

(v)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) Financial disclosure statements shall be available for public inspection, by appointment, at the Commission office at 25 Beaver Street, New York, New York, 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. Statements may be made available for public inspection at other times at the discretion of the Statement Inspection Officer.

(2) A person may obtain a copy of a financial disclosure statement in person, or by mail, upon the payment of copying fees. The copying fee is $.25 per statement page for each statement copy obtained in person from the Commission office and an additional mailing fee of $1.00 for each statement copy mailed from the office. The fees will be waived for all federal, state or local government agencies and departments.

(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 kept confidential; the record and substance of the request 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) No documents pertaining to a request for public inspection shall be 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) Pursuant to section 40.1 of the Chief Judge's Rule, the Commission shall make available for public inspection the information set forth in statements of financial disclosure required to be filed for the seven reporting years prior to and including the current year, except that categories of value or amount and the names of unemancipated children, and any other item of information deleted from public inspection by the Commission pursuant to section 40.1(I)(6) of the Rule, shall remain confidential and not available for public inspection.

APPENDIX D

Job Titles Of Designated Policymakers (Reporting Year 2013)

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

- 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
- Director, MHLS
- Deputy Director, MHLS
- Deputy Chief Attorney, 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
- Clerk of the Court
- Deputy Clerk
- Associate Deputy Clerk
- Chief of Staff
- 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, Committee on Character and Fitness
- 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
- Special Counsel for Grievance Matters

C. APPELLATE DIVISION, THIRD DEPARTMENT

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

- CASP Administrator
- Assigned Counsel Attorney

D. APPELLATE DIVISION, FOURTH DEPARTMENT

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

F. TRIAL COURTS

- Chief Administrative Judge
- Deputy Chief Administrative Judge
- Counsel
- First Deputy Chief Administrative Judge
- Executive Director, OCA
- Judicial Administrative Director of OCA
- Chief of Operations of OCA
- Dean of Judicial Institute
- Vice Dean Of Judicial Institute, Family and Matrimonial
- Statewide Coordinating Judge of UCS Medical Malpractice
- Chief of Policy and Planning
- First Deputy Counsel
- Deputy Counsel
- Deputy Counsel, Family Law
- Chief of Staff
- Assistant Deputy Chief Administrator
- Director of Administrative Services
- Inspector General
- Director of Financial Management
- Director of Public Affairs
- Executive Director of Judicial Campaign and Ethics Resource
- Counsel to the NY State Continuing Legal Education Board
- Deputy Director of Human Resources
- Deputy Director of Human Resources for Labor Relations
- Deputy Director of ITS for Statewide Network Services
- Assistant Coordinator of Alternate Dispute Resolution Programs
- Deputy Director of Administrative Services
- Director of Human Resources
- Deputy Director of Court Operations
- Coordinator of Court Interpreting Services
- Director of Communications
- Coordinator of Court Management Research and Special Projects
- Coordinator of Jury and Data Services
- Chief Law Librarian
- Chief Budget Analyst
- Chief Internal Auditor
- Chief Management Analyst
- Principal Management Analyst
- Administrative Judge
- Administrative Judge-Certified
- Administrative Judge Acting Supreme Court Justice
- District Executive
- Executive Assistant
- Principal Administrative Assistant

●Special Assistant Deputy to Chief Administrative Judge ●Senior Administrative Assistant ●Administrative Assistant ●Supervising Judge (NYC) ●Supervising Judge (Upstate Courts) ●County Clerk ●Counsel to County Clerk* ●Chief Deputy County Clerk ●First Deputy County Clerk ●Chief Clerk I ●Chief Clerk I Multi ●Chief Clerk II ●Chief Clerk II Multi ●Chief Clerk III ●Chief Clerk III COJ* ●Chief Clerk IV ●Chief Clerk IV* ●Chief Clerk IV COJ* ●Chief Clerk V* ●Chief Clerk VI ●Chief Clerk VII ●Chief Clerk, Court of Claims ●Deputy Chief Clerk I ●Deputy Chief Clerk II ●Deputy Chief Clerk III ●Deputy Chief Clerk III* ●Deputy Chief Clerk IV ●Deputy Chief Clerk V ●First Deputy Chief Clerk ●Assistant Deputy Chief Clerk ●Commissioner of Jurors ●Commissioner of Jurors I ●Commissioner of Jurors II ●Commissioner of Jurors III ●Commissioner of Jurors IV ●Commissioner of Jurors IV*	

APPENDIX E

Job Titles For Which Filing Exemptions Have Been Granted

●Legal Editor ●Senior Legal Editor ●Chief Court Attendant, Appellate Division ●Education and Training Coordinator ●Senior Law Librarian	

APPENDIX F

Delinquent Filers

Pursuant to the Rules of the Chief Judge, the Commission must provide each person required to file, who has failed to file a disclosure statement or who has filed a deficient statement, with a fifteen day period to cure the deficiency. If the person fails to file or fails to cure the deficiency, the Commission must send him or her a Notice of Delinquency. Copies of Notices of Delinquency are sent to the State Commission on Judicial Conduct in the case of a judge or justice, and to the Chief Administrator of the Courts in the case of a nonjudicial officer or employee.

Notices of Delinquency were sent to the follow individuals. Their names were posted on the "Delinquent Filers" page of the Ethics Commission website.

Ralph Eannace, Jr., City Court Judge
Jeffrey Mis, City Court Judge

Elizabeth Arzola, Management Analyst
Dana Aunkst, Associate Local Area Network Administrator
Nikkeya Bell, Court Reporter
Andrea Blount, Associate Court Attorney (Trial Part)
Elizabeth Booth, Associate Computer Systems Analyst
Kathleen Brophy, Senior Court Reporter
Michael Cilluffo, Assistant Deputy Chief Clerk
Ronald Cohen, Court Attorney-Referee
Eugene Colon, Assistant Deputy Counsel
Jaya Connors, Associate Attorney
Lawrence Daley III, NYS Security Coordinator
Shari Ebanks, Court Reporter
Uchenna Emeagwali, Principal Court Attorney (Trial Part)
Donna Evans, Senior Court Reporter
Jorge Ferrer, Associate Court Clerk
Mary Gasparini, Associate Attorney
Nina Gerosa, Principal Attorney
Jacqueline Glass, Senior Court Reporter
Zoya Golban, Principal Law Librarian
Victor Gomez, Deputy Chief Clerk Arraignments
Danette Gratton, Senior Associate Computer Applications Programmer
J. Garrett Grieser, Principal Law Clerk To Judge
Claudette Gumbs, Senior Court Reporter
Monica Harris, Deputy Chief Clerk Arraignments
Sandra Heck, Principal Court Attorney
Barbara Hightower, Senior Court Reporter
Angela Hofmeister, Senior Court Reporter
Monica Horvath, Senior Court Reporter
Rose Impallomeni, Senior Court Reporter
Reginald Jackman, Second Deputy County Clerk
Sheron Johnson, Court Reporter

Nadine Johnson, Principal Law Clerk to Judge
Diane Ladden, Commissioner Of Jurors I
Cina Lagrange, Deputy Chief Clerk IV
Cathy Lee, Senior Court Reporter
Allan Lowe, Principal Court Analyst
Daniel Majchrzak, Jr., Court Attorney-Referee
Marcia Marshall, Senior Court Reporter
Judith Mayne, Principal Law Clerk.
Kevin McTernan, Court Clerk-Specialist
Sharon Morrison, Court Reporter
Tina Napolitano, Associate Court Clerk
Tony Nguyen, Associate Court Attorney (Trial Part)
Cheryl Perry, Court Reporter
Vloyd Purnell, Associate Court Clerk
Suzette Quarles, Principal Court Analyst
Roderick Quebral, Principal Attorney
Gloria Rios, Management Analyst
Robert Rood, Principal Court Attorney
Franscene Rose, Court Reporter
Robert Rundle, NYS Court Officer-Captain
Richard Scaturro, Associate Court Clerk
Richard Seibt, Court Clerk-Specialist
Stacey Sharpelletti, Principal Attorney
Gregg Snigur, Chief Management Analyst
Jon Steele, Senior Associate Computer Applications Programmer
Philip Sulzer, Senior Court Reporter
Valerie Turner, Principal Court Clerk
Kerry Warfield, Principal Local Area Network Administrator

APPENDIX G

FINANCIAL DISCLOSURE FORM

PAGE 1

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 "Quick Links"
Internet address: www.nycourts.gov/ip/ethics

ANNUAL STATEMENT of FINANCIAL DISCLOSURE: For calendar year 2013

1. NAME

2. (a) JOB TITLE

(b) CURRENT WORK ADDRESS

(c) CURRENT WORK TELEPHONE NUMBER

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

(b) LIST THE NAMES OF ALL UNEMANCIPATED CHILDREN

Answer each of the following questions completely, with respect to calendar year 2013, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A-under $5,000; Category B-$5,000 to under $20,000; Category C-$20,000 to under $60,000; Category D-$60,000 to under $100,000; Category E-$100,000 to under $250,000; and Category F-$250,000 or 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.

UCS-956(10/90)

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**

POSITION	ORGANIZATION	STATE OR LOCAL AGENCY

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**

SPOUSE OR CHILD	POSITION	ORGANIZATION	STATE OR LOCAL AGENCY

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**

POSITION	NAME AND ADDRESS OF ORGANIZATION	DESCRIPTION	STATE OR LOCAL AGENCY
.....	.....	.....	.....
.....	.....	.....	.....
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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**

SPOUSE OR CHILD	POSITION	NAME AND ADDRESS OF ORGANIZATION	STATE OR LOCAL AGENCY
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.....	.....	.....	.....
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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.

☐ **NONE**

SELF, SPOUSE OR CHILD	**ENTITY WHICH HELD INTEREST IN CONTRACT**	**RELATIONSHIP TO ENTITY INTEREST IN CONTRACT**	**CONTRACTING STATE OR LOCAL AGENCY**	**CATEGORY OF VALUE OF CONTRACT**

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**

VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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.

☐ **NONE**

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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**

SELF, SPOUSE OR CHILD	NAME OF DONOR	ADDRESS	NATURE OF GIFT	CATEGORY OF VALUE OF GIFT

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**

SOURCE	DESCRIPTION

VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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).

☐ **NONE**

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VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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 (YOU MUST INCLUDE EMPLOYMENT INCOME IN EXCESS OF $1,000 EARNED BY YOUR SPOUSE)**

SELF/SPOUSE	SOURCE (Identify Bank/Financial Institution/Issuing Entity)	NATURE	CATEGORY OF AMOUNT
.....	.....	.....	.....
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.....	.....	.....	.....
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VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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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VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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**

SELF/ SPOUSE	**ISSUING ENTITY**	**TYPE OF SECURITY**	**PERCENTAGE OF CORPORATE STOCK OWNED OR CONTROLLED** (If more than 5% of publicly traded stock, or more than 10% of stock not publicly traded, is held)	**CATEGORY OF MARKET VALUE** As of the close of the taxable year last occurring prior to the filing of this statement

VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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**

SELF/SPOUSE CORPORATION	LOCATION*	SIZE	GENERAL NATURE	ACQUISITION DATE	PERCENTAGE OF OWNERSHIP	CATEGORY OF MARKET VALUE

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

☐ **NONE**

NAME OF DEBTOR	TYPE OF OBLIGATION, DATE DUE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT

VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or over

19. List below all liabilities of the reporting individual and such individual's spouse in EXCESS of $5,000 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**

NAME OF CREDITOR OR GUARANTOR	**TYPE OF LIABILITY AND COLLATERAL, IF ANY**	**CATEGORY OF AMOUNT**
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.....	.....	.....
.....	.....	.....
.....	.....	.....

VALUE/AMOUNT CATEGORIES	**A-UNDER $5,000**	**C-$20,000** to under **$60,000**	**E-$100,000** to under **$250,000**
	B-$5,000 to under **$20,000**	**D-$60,000** to under **$100,000**	**F-$250,000** or 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.

X _____ _____

Signature of Reporting Individual ***Date (month/day/year)***

REMINDERS

✓Please review the statement to verify that all questions have been answered.
✓Please remember to sign and date the statement.
✓Please keep a copy of the completed statement for your records.
✓Please be aware that any sheets attached to the statement are subject to public inspection.