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The Week That Was

06-09-17

1. We Must Protect This House

Our Spin:

Governor Cuomo alongside his new wing-woman Nancy Pelosi declared war on a handful of members of New York's Republican congressional delegation this week at a Manhattan rally. Manhattan is clearly the Governor's turf and Minority Leader Pelosi surely feels welcome in the progressive friendly borough, but how this dynamic duo is received in Kinderhook, New York remains to be seen...

The Story:

House Minority Leader Nancy Pelosi joined Governor Andrew Cuomo at the Javits Center in Manhattan on Tuesday to rally Democrats to take back the House of Representatives in next year's midterm elections. Speaking to supporters, Pelosi said "Republicans in Washington are trying to drag our country back, but New York Democrats will lead us forward, armed with the strength of our values." While she didn't mention any specific districts or targets in her speech, she did state there are eight Republican seats the Democrats can and must win in November 2018. "Defeating in 2018 means laying the foundation for victory right now, and we have a powerful ally in this fight with Governor Andrew Cuomo." Pelosi also lauded Cuomo's achievements and praised him as a "bold, progressive leader."

Cuomo on the other hand, fired direct shots, singling out upstate representatives John Faso and Chris Collins, describing them as "political pawns to the ultra-conservative puppet masters in Washington" as he promised to campaign to unseat GOP pols at the federal

level. "Today I charge Congressmen Faso and Collins and their colleagues with violating their oath of office to represent the interests of the people of the state of New York," Cuomo told the union-heavy crowd. "I also charge them with defrauding the voters of this state. They said they would help their districts. They said they would help the struggling middle class." Faso and Collins were the architects of an amendment to the Republican plan to replace the Affordable Care Act that would effectively shift \$2.3 billion in Medicaid costs currently borne by the state's counties onto Cuomo's books.

Cuomo aides say the Governor will take a strong and direct role in upcoming House races, an abnormality from a governor who husbands his political support and who has focused in previous years on state races.

[NY Daily News](#)
[CNN](#)

2. \$98,000

Our Spin:

Despite a successful campaign to allow ride hailing in Upstate New York, Uber failed to comply with JCOPE disclosure requirements. A massive under-reporting of \$6.5 million resulted in a hefty fine of \$98,000. But... the show goes on. Anyone who has traveled to Albany and endured the over-priced inefficient taxis is still looking forward to the new ride hailing services.

The Story:

The lobbying regulators at the Joint Commission on Public Ethics has fined ride hailing company Uber a record \$98,000 for under reporting lobbying expenses in a settlement announced on Thursday. The under-reported lobbying money — some \$6.3 million in total, according to the settlement, covers activities in 2015, when Uber successfully fought back Mayor de Blasio's effort to limit the company's operations in New York City, and 2016 when it was pushing to expand to areas outside New York City. The legislation was ultimately put aside after a television advertising blitz by Uber that the company at the time acknowledged was "substantial."

Uber had relied on a third-party firm to submit its filings to JCOPE and the errors have since been amended. The company at the time made little secret of the amount of money it was spending to push back at the de Blasio administration's regulatory efforts. Uber had mostly provided the correct information, but it was not included in the filing. The settlement added that Uber's own error led to the remainder of the underreporting. "We updated our reports because there were unintentional omissions from our initial disclosures," said Uber spokeswoman Alix Anfang. "Uber NY has revised its processes and no longer uses the third party filing firm who prepared these disclosure statements." The fine is the latest bad news for the popular ride-sharing company that recently admitted it short-changed its New York City drivers tens of millions of dollars and also fired 20 employees after claims of sexual harassment and other inappropriate behavior. In a statement announcing the settlement, the state Joint Commission on Public Ethics reminded lobbyists and clients "of the importance of establishing and maintaining strong internal controls in order to ensure compliance with the Lobbying Act's reporting requirements." Ride hailing in upstate and suburban counties is scheduled to begin on June 29 — 10 days earlier than the budget initially called for after lawmakers passed a bill accelerating its start date.

[State of Politics](#)
[Times Union](#)

3. The November Ballot

Our Spin:

Bankers, strippers and cons. Sounds just like Albany doesn't it? Well don't get too excited... We're talking serious stuff here!

The Story:

As the end to the legislative session quickly approaches, it seems likely that New Yorkers will be able to vote on three ballot questions in this year's general election in November. One of them, a constitutional amendment to create a land bank for the Adirondacks and Catskills, has passed the Senate in the past two sessions. While it hasn't moved in the Assembly yet this year, its

sponsor says it's likely to do so in the next three weeks. The other two questions, a measure that would let the state strip the pensions of more public officials convicted of felonies and a vote on whether New York should hold a constitutional convention in 2019, are guaranteed to be on the ballot.

A government ethics reform bill, jointly passed by the state Legislature in late January, amends the state constitution and allows the state to reduce or revoke the pension of a public officer that has been convicted of a crime related to his or her official duties. Under the measure, a public officer convicted of a crime would be subject to a court hearing, which would determine the fate of the officer's pension. Current law only allows pensions to be stripped from lawmakers convicted of a crime who joined the retirement system after August 15, 2011, but this constitutional amendment would make the forfeiture apply retroactively to all currently in government. Because it is a constitutional change, it must pass two consecutive classes of the state Legislature, which this legislation has now done, and then be approved by the voters via ballot referendum.

Alongside the pension forfeiture question, will be another somewhat related referendum: whether New York State should call a constitutional convention. That question is required to appear on the ballot every 20 years, but New Yorkers have not called for a "Con Con," in years. The only remaining questions involve how they'll appear on the ballot.

The method of drafting language for constitutional amendments has been criticized in the past, most recently in the case of a 2013 proposal to increase the number of casinos that can operate in the state. It spelled out a number of benefits that gambling can create but did not mention any potential problems, and was released too late to allow any public comment or challenges. This time around, the state Board of Elections has gotten the language out earlier. Last week, it released language drafted by the Attorney General's office on the pension question:

"The proposed amendment to Section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's duties. Shall the proposed amendment be approved?"

This straight-forward wording seems unlikely to provoke any controversy, even among the proposal's opponents. "I think the way the attorney general is proposing it in that question is fair," said Senator Diane Savino. "It speaks to the subject itself."

[Gotham Gazette](#)