The City of New York
Department of Investigation

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COMMISSIONER

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March 15, 2011

By Hand
Honorable Herbert Berman, Chair
New York City Lobbying Commission
One Centre Street, 2300 North
New York, NY 10007

Dear Mr. Berman:

Thank you for the opportunity to share with you and the Commission some background on DOI's role as it relates to lobbying activities. Since the enactment in 2006 of major revisions to New York City's Lobby Law, the Department of Investigation ("DOI") has been working closely with the Office of the City Clerk's Lobbying Bureau to implement the new Lobby Law's heightened reporting and enforcement provisions. Following the 2006 amendments, DOI created a Lobby Law Unit to investigate allegations of criminal and other misconduct by lobbyists in connection with their City lobbying, and to work with the Clerk's Lobbying Bureau to implement the enhanced requirements of the law. I appointed Alexander Dillon to be DOI's Lobby Law Director, and he is DOI's primary point person to the Clerk's Lobbying Bureau. As a result of our activities these past several years, DOI has a unique perspective on the current Lobby Law and a broad base of experience from which to recommend improvements. We look forward to sharing the benefit of our experience with the Lobbying Commission.

As a general matter DOI is charged with investigating criminal activity, corruption and conflicts of interest anywhere in City government, City programs, City contracts and by any recipients of City funds. Thus, DOI's investigative jurisdiction includes any improper lobbying activity related to City contracts and programs. Moreover, as part of our investigative function, DOI has a robust investigative audit capacity whereby our staff of forensic auditors conduct investigations of various financial schemes. Accordingly, when the 2006 amendments to the Lobby Law were enacted, DOI sought to be included by providing training and assistance to the Lobbying Bureau on its new audit and investigative functions. DOI has helped the Lobbying Bureau develop audit and investigative protocols and has run training sessions for its staff. DOI also assisted the Lobbying Bureau by reviewing audit forms, audit reports, notification letters, OATH petitions, and completed audit reports.

DOI continues to work closely with the Lobbying Bureau and to share information and

provide advice and guidance as new lobbying issues arise. DOI refers matters to the Lobbying Bureau for investigation, such as evidence that organizations appear to be engaged in lobbying activity that are not registered lobbyists. DOI also, as it does with employees at all City agencies, conducts corruption awareness and prevention lectures for the Lobbying Bureau staff as well as all City Clerk employees. At the same time, the Lobbying Bureau refers information it learns about possible criminal conduct and any willful violations of the Lobby Law to DOI.

Since 2006, DOI's Lobby Law Unit has conducted six pro-active audits of lobbying firms ranging in size, organizational structure and scope of operation. Through these audits, DOI found some minor technical reporting errors, but in the main, determined that there had been overall compliance with the Lobby Law requirements. DOI referred the results of its audits to the Lobbying Bureau and used them as an additional tool for training the Bureau. DOI's Lobby Law Unit has also engaged in a number of investigations involving lobbyists and lobbying related activities in response to allegations DOI has received from the Clerk's Lobbying Bureau and other sources.

Based on its varied experience with lobbying issues, both from its audits and investigations of lobbyists and its investigations of other City government activity, DOI has a number of concrete recommendations for amending the Lobbying Law to make it more effective. These recommendations range from technical changes to clarify certain areas of the Lobby Law to more substantive policy recommendations that would strengthen the effectiveness of the law. Of particular concern to DOI are situations where public servants also act as lobbyists. In addition, DOI has recommendations for enhancing the information requested of lobbyists to insure that the subject of the lobbying activity and those being lobbied are appropriately identified.

DOI looks forward to further discussions with the Lobbying Commission and to working with it in the coming months to explore and develop meaningful and practical improvements to the Lobby Law.

Sincerely,

Rose Gill Hearn
Commissioner

Alexander Dillon
Lobby Law Director