



December 22, 2016

The Honorable Andrew Cuomo  
Governor  
Executive Chamber  
Albany, NY 12224

The Honorable John Flanagan  
Senate Majority Leader  
Legislative Office Building  
Albany, NY 12247

The Honorable Jeffrey Klein  
Senate Co-Leader  
Legislative Office Building  
Albany, NY 12247

The Honorable Andrea Stewart-Cousins  
Senate Minority Leader  
Legislative Office Building  
Albany, NY 12247

The Honorable Carl Heastie  
Assembly Speaker  
Legislative Office Building  
Albany, NY 12248

The Honorable Brian Kolb  
Assembly Minority Leader  
Legislative Office Building  
Albany, NY 12248

**Re: The need for independent oversight of state contracting and ethics**

Dear Governor Cuomo and Legislative Leaders:

We write to express our extreme concern over changes to state procurement law being proposed by the Governor, changes that would effectively weaken the independent oversight authority of the state Comptroller and Attorney General. Our groups vigorously oppose the creation of a Special Procurement Prosecutor appointed by the Governor and we call again for increasing the oversight authority of offices that are outside and independent of the executive branch. Our position is anchored by our view of the importance of effective checks and balances within government.

While we have no objection to the the executive taking steps to enhance its internal oversight of agencies' contracting, this internal oversight is no substitute for real independent oversight. New York State has separately-elected statewide public officials

who are supposed to ensure that the state's awarding of government contracts is fair, accountable, and operates with the highest ethical standards.

We think the changes you are considering for the Special Session have it backwards. We continue to believe that the contract review and audit power of the Comptroller should be increased --- not supplanted by new appointees of the Governor. Likewise, we support calls from the current Attorney General --- and the previous Attorney General --- to strengthen the ability of the Department of Law to bring actions independent of a referral from state entities.

As we all know, New York State's contracting procedures are the subject of investigations by both the U.S. Attorney's office and State Attorney General, and high-ranking officials have been charged with serious crimes. While it is important and appropriate for the executive to review what apparently has gone wrong, it is the role of the legislative process to strengthen the laws to ensure independent oversight.

Of course, we are not supportive of deals hammered out in secret and then passed during the middle of the holiday season either. However, the substance of the policies matter. We urge that you discuss these important ethics measures in public, that you focus on the need for independent oversight, and that you not approve agreements that fall short of those simple goals.

As always, we look forward to working with you and your offices. If we do not communicate with you over the remainder of the month, we hope that you enjoy the holidays.

Sincerely,

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