

Baseball Tickets Trigger a Big Fine for Ex-New York Governor

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On December 20, 2010, the New York State Commission on Public Integrity (the Commission) announced that it had imposed a civil penalty of \$62,125 on Governor David A. Paterson "for soliciting, accepting, and receiving five complimentary tickets to Game One of the 2009 World Series for himself, two aides, his teenage son and his son's friend." Each of the five tickets obtained by Governor Paterson was valued at \$425.

The Commission found, specifically, that in soliciting, accepting and receiving the World Series tickets from the New York Yankees—an entity with "myriad and continuing business and financial interests that relate to New York State government"—Governor Paterson violated a host of ethics law provisions. The Commission noted in its decision that through the language of the law, "the Legislature effectively created a rebuttable presumption that gifts from registered lobbyists or their clients are prohibited."

In the hearing phase of this matter, Governor Paterson testified that he had always intended to pay for the tickets for his son and his son's friend. The Commission, however, found that "the Governor lied about when he formed the intent to pay for the tickets, perhaps in an effort to make it appear as though his conduct comported with the Public Officers Law" The Commission further determined that "the Governor's false testimony" is "evidence that he knew his conduct was unlawful and, thus, is one factor underlying the Commission's determination that the Governor violated" the law.

As to the question of potential liability by the Yankees under the Legislative Law for the gift of tickets to Governor Paterson, the Commission cited the Hearing Officer's determinations, first, that the

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Governor "caused a letter to be forwarded to the Yankees from his Counsel that he was attending Game One on official business" and, second, that "this letter appears to shield the Yankees from any finding of liability" The Commission also noted, however, that "no alleged violation by the Yankees was a subject of the hearing" and stated further that the "Yankees seeming compliance under the Legislative Law does not excuse the Governor's unethical conduct."

In connection with the Commission's determinations in this matter, Commission Chairman Michael G. Cherkasky stated: "The moral and ethical tone of any organization is set at the top. Unfortunately the Governor set a totally inappropriate tone by his dishonest and unethical conduct. Such conduct cannot be tolerated by any New York State employee, particularly our Governor." Cherkasky, CEO of Altegrity and a former New York City prosecutor, was appointed by Governor Paterson to the chairmanship of the Commission in May 2009.