

STATE OF NEW YORK  
LEGISLATIVE ETHICS COMMISSION

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**IN THE MATTER OF  
WILLIAM F. BOYLAND, JR.  
MEMBER OF THE NEW YORK  
STATE ASSEMBLY**

**NOTICE OF  
REASONABLE CAUSE**

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**FINDING OF REASONABLE CAUSE FOR VIOLATION OF PUBLIC  
OFFICERS LAW Sections 74 and 73-a**

The Legislative Ethics Commission (“Commission”) hereby finds that there is reasonable cause to believe that Assemblymember William F. Boyland, Jr. maintained a financial relationship with Brookdale Hospital (or Brookdale University Hospital and Medical Center) or other MediSys facilities which constituted a substantial conflict of interest with the proper discharge of his duties as a Member of the New York State Assembly, in violation of Public Officers Law §74(2). Assemblymember Boyland, therefore, by his conduct, gave reasonable basis for the impression that Brookdale Hospital and other related facilities could improperly influence him and unduly enjoy his favor in violation of §74(3)(f) of the Public Officers Law. The Commission further finds reasonable cause to believe that Assemblymember Boyland either accepted employment from Brookdale Hospital which impaired his independence of judgment in the performance of his official duties, in violation of §74(3)(a) or, in the alternative, accepted payment from Brookdale Hospital (or other MediSys facilities) which constituted an unwarranted privilege, in violation of §74(3)(d) and knowingly and willfully, with intent to deceive, reported information he knew to be false on his annual statements of financial disclosure for calendar years 2003 through 2009, in violation of Public Officers Law Section §73-a. Additionally, there is reasonable cause to believe Assemblymember Boyland, by his conduct, pursued a course of conduct which raised suspicion among the public that he is likely to be engaged in acts that are in violation of his trust in violation of §74(3)(h).

**JURISDICTION OF THE COMMISSION**

The Legislative Ethics Commission was created by the Public Employees Ethics Reform Act of 2007 (Chap. 14, L. 2007) which was signed into law on March 26, 2007. This legislation eliminated the former Legislative Ethics Committee and established the Legislative Ethics Commission comprised of both members of the legislature and non-legislative members and revised the provisions of the Public Officers Law under the Commission's jurisdiction.

The Commission is authorized by Legislative Law §80(7)(l) to conduct investigations and carry out such proceedings as are authorized and necessary to enforce the provisions of Public Officers Law §§73, 73-a or 74.

In cases where the Commission finds there is reasonable cause to believe that a violation of Public Officers Law §§73, 73-a or §74 occurred, the Commission will conduct an adjudicatory hearing at which the respondent has the right to be heard. The Commission is empowered to assess a civil penalty or, in lieu thereof, refer the violation to an appropriate prosecutor, depending upon the facts and circumstances. Legislative Law §80(10)(b) provides that if the Commission determines that there is reasonable cause to believe that a violation has occurred, in the case of a member of the Assembly, it shall send a notice of reasonable cause: (i) to the reporting person; (ii) to the complainant if any; and (3) in the case of an Assemblymember, to the Speaker of the Assembly.

### **APPLICABLE LAW AND PROCEDURAL SUMMARY**

On June 2, 2010, the Commission, on its own initiative, voted to investigate Assemblymember Boyland upon review of: his annual statement of financial disclosure for Calendar year 2008 (filed April 29, 2009) and those filed in prior years; his request for an advisory opinion regarding outside employment at Brookdale Hospital in Brooklyn which was later withdrawn; statements made by the Assemblymember to Commission Staff; and an initial factual review. Pursuant to Legislative Law §80(10)(a), the Legislative Ethics Commission provided Mr. Boyland notice of the its decision to investigate whether his employment at Brookdale Hospital (or Brookdale University Hospital and Medical Center) constituted a conflict with his position as a member of the New York State Assembly and whether he properly reported his employment at Brookdale Hospital or any other Medisys managed facility and any income from those entities on his annual statements of financial disclosure. Notice was sent to Assemblymember Boyland via certified mailed to his home address on June 8, 2010 and via personal service on June 14, 2010.

Legislative Law §74(2) provides the general rule for legislators with respect to conflicts of interest and provides, in pertinent part:

No ...member of the legislature..should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

Legislative Law §74(3) sets forth standards of conduct and includes:

a. No...member of the legislature...should accept other employment which will impair his independence of judgment in the exercise of his official duties

d. No ...member of the legislature ...should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or others, including but not limited to, the misappropriation to himself, herself, or to others of the property, services or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

f. ...[A] member of the legislature...should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties...or that he is affected by the...influence of any party or person.

h...[A] member of the legislature...should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

Legislative Law §73-a sets out the requirements for filing annual statements of financial disclosure by legislative members and provides:

A reporting individual 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 ...shall be subject to a civil penalty ...or, in lieu of a civil penalty [the commission may] refer a violation to the appropriate prosecutor.

Mr. Boyland was given fifteen days to respond to the Commission's notice as provided by statute. On July 9, 2010, Mr. Boyland's attorney contacted the Commission requesting that it hold its investigation "in abeyance" because "...there is a current investigation by a law enforcement entity involving the same line of inquiry of the Commission's investigation." After repeated requests to Mr. Boyland's attorney for either contact information at the "law enforcement agency" to confirm the investigation or an affidavit from Mr. Boyland's attorney confirming the same, the Commission received no further correspondence from Mr. Boyland or his attorney and issued a "Notice of Further Investigation" on January 28, 2011. On March 10, 2011, Assemblymember Boyland was charged by complaint and, in early April, indicted in the United States District Court, Southern District of New York. Included in the indictment was information that Assemblymember Boyland had a "consulting job" with Brookdale Hospital, which was given to him in exchange for undertaking action to benefit MediSys and its constituent hospitals as the opportunity arose. Specifically, the indictment included allegations that Mr. Boyland requested three million dollars in State funding for MediSys and met with the Commissioner of the New York State Department of Health regarding MediSys acquisition of the Caritas Hospitals. The complaint included information that the Assemblymember, in 2003, awarded state grants to Urban Strategies, a MediSys social service provider. The Commission further provided Assemblymember Boyland and his counsel with Notice of an opportunity to be heard before the

Commission on March 29, 2011. The Commission received notification from Mr. Boyland's attorney dated March 25, 2011 that the member would not appear before the Commission pending resolution of the outstanding federal matter.

### CONCLUSION

Based upon a review of all materials, proceedings and findings before the Commission to date, the Legislative Ethics Commission has found reasonable cause to believe that Assemblymember William Boyland, Jr. violated Public Officers Laws §74(2) and §74(3)(f) and (h). In addition, the Commission has found reasonable cause to believe that the Assemblymember violated either Public Officers Law §74(3)(a) or, in the alternative, §74(3)(d) and §73-a.

Notice of Reasonable Cause is, hereby, also transmitted to the Speaker of the Assembly as required by Legislative Law §80(10)(b).

The Commission also notes that Assemblymember Boyland was duly notified of his opportunity to be heard prior to the Commission's vote to issue a Notice of Reasonable Cause, however he declined to exercise that opportunity.

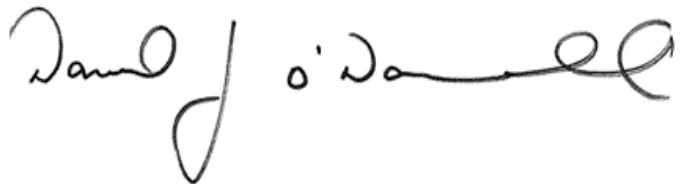
Further adjudication of this matter including scheduling and providing Notice of an Adjudicatory Hearing, at which Assemblymember Boyland has the right to be heard, will be held in abeyance pending ongoing discussions with the United States Attorney's Office for the Southern District of New York.

Dated: May 31, 2011



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Senator Andrew Lanza  
Co-Chair



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Assemblymember Daniel O'Donnell  
Co-Chair

Legislative Ethics Commission

