May 14, 2021

Camille Joseph Varlack, Esq.
Chair
New York State Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

Re: NYS IG 0184-173-2020

Dear Chair Joseph Varlack:

On January 7, 2020, the Offices of the New York State Inspector General received information that from at least May 2018 through late 2019, the Hudson River Park Trust (HRPT), its [redacted], and Bolton-St Johns LLC may have engaged in and failed to report activity that constituted reportable lobbying under the New York State Lobbying Act and its implementing regulations. During this period, HRPT was not registered as a client of Bolton-St Johns. Instead, Bolton-St Johns was retained by the Hudson River Park Friends (HRPF), a separate nonprofit 501(c)(3) organization that supports the Hudson River Park through fundraising, advocacy, and education.

The Inspector General conducted a review of this matter by analyzing a variety of pertinent materials including the collaboration agreements between HRPT and HRPF, minutes and other materials from HRPT’s board meetings, relevant email correspondence, contracts and other documents. The Inspector General also conducted a number of interviews, including interviews of [redacted], and several current and former HRPT staff and board members.
The review found that HRPF hired Bolton-St. Johns with the intent to have Bolton-St. Johns provide lobbying services in connection with HRPF’s Pier 40 For All campaign. When Bolton-St. Johns was hired, HRPF made it very clear to the firm that Bolton-St. Johns was being retained to work for HRPT, not HRPT. According to several witnesses, however, for Bolton-St. Johns to effectively lobby for HRPF it was necessary for the firm to periodically communicate with HRPT to obtain information regarding the operation and management of Hudson River Park.

The Inspector General found that [redacted] availed herself of Bolton-St. Johns’ services. Specifically, [redacted] repeatedly requested Bolton-St. Johns’ assistance setting up meetings with State and city officials and testifying at public hearings even though HRPT was not registered as one of the firm’s clients. One such example occurred in May 2019, when an employee of Bolton-St. Johns emailed the Executive Chamber to request a meeting between [redacted] and [redacted]. [redacted] also repeatedly sought guidance from Bolton-St. Johns regarding budgetary and legislative strategy and emailed seeking their feedback on HRPT’s response to the 2018 Division of the Budget Call Letter.

When [redacted] met with members of my office, he acknowledged that he scheduled meetings for [redacted] with elected officials and assisted her with testifying at public hearings, even though HRPT was not Bolton-St. Johns’ client. [redacted] justified his actions by stressing the interrelatedness of the two organizations and emphasizing that HRPF needed operational and financial information from HRPT to successfully advocate and raise funds for Hudson River Park.

There appears to be a lack of disclosure and transparency when a professional lobbyist is acting at the direction of an unretained and unregistered entity. Here, the contractual relationship was between Bolton-St. Johns and HRPF. However, based on our review, it is clear that Bolton-St. Johns was working on behalf of both entities and at times being directed by HRPT.

As these facts may implicate provisions of the New York State Lobbying Act and because there may be unmet reporting obligations under the Act, I am providing the findings of this review to the New York State Joint Commission on Public Ethics (JCOPE) for its consideration. In addition, it may be appropriate for JCOPE to issue guidance clarifying the appropriate use of lobbyists by 501(c)(3) organizations closely affiliated with State agencies, authorities and public benefit corporations.

If you require further information, please contact Chief Deputy Inspector General Robyn Adair at 518.474.1010.

Sincerely,

[redacted]

Letizia Tagliafierro
Inspector General
Cc: Monica Stamm, Esq.
    JCOPE General Counsel

    Noreen Doyle
    HRPT Executive Vice President