

**PROCESS FOR INVESTIGATING VIOLATIONS OF THE POLICY ON PERMISSIBLE CONTACTS AND COMPLAINTS PURSUANT TO THE PROCUREMENT LOBBYING ACT**

A complaint may be filed with the Ethics Officer by submitting an electronic complaint form found on the Commission's Web site,<sup>1</sup> or to the Ethics Officer's mailbox: [kathleen.burgess@dps.ny.gov](mailto:kathleen.burgess@dps.ny.gov). Complaints may also be initiated by submitting a written (hard copy) complaint to Kathleen Burgess, Assistant Counsel and Department Ethics Officer, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223.

Upon receiving a complaint of a violation of SFL Section 139-j(3), the Ethics Officer will review the complaint pursuant to SFL Section 139-j(10).

If the Ethics Officer finds that no violation has occurred, the Ethics Officer will notify the complainant and the Office of General Services and place a copy of the notice in the Procurement Record of the underlying procurement contract.

If the Ethics Officer finds that a violation may have occurred, the Ethics Officer will initiate an investigation by providing notice of the investigation to the Offerer (SFL §139-j(10)(a)). The Offerer will have 15 business days to comment on the complaint, or such other reasonable time as the Ethics Officer shall determine. The Ethics Officer may seek additional information necessary to establish an adequate record from the Offerer, the Complainant, or any other person who may have information about the complaint. The Ethics Officer may also determine that additional processes are required.

After all relevant information has been compiled, the Ethics Officer will review the information and render a determination or refer the complaint for further proceedings.<sup>2</sup> The determination of the Ethics Officer will be served upon the Offerer, Complainant and the Office of General Services, and shall be placed in the Procurement Record of the underlying procurement contract.

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<sup>1</sup> Procurement Lobbying Act complaint forms may be accessed at [http://www3.dps.ny.gov/pscweb/WebsiteForms.nsf/PLA\\_Violation\\_Form?OpenForm](http://www3.dps.ny.gov/pscweb/WebsiteForms.nsf/PLA_Violation_Form?OpenForm)

<sup>2</sup> If a complaint is assigned for further evidentiary proceedings, the Ethics Officer will serve the determination of the Hearing Officer upon the Offerer, Complainant and the Office of General Services and shall place a copy in the Procurement Record of the underlying procurement contract.