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### Profile in Public Integrity: Jane Feldman

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## Profile in Public Integrity:

### Jane Feldman

#### Executive Director, New York State Assembly Office of Ethics and Compliance

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Jane Feldman was recently appointed as the first executive director of the New York Assembly's new Office of Ethics and Compliance. She previously served as the first executive director of the Colorado Independent Ethics Commission. After leaving the State of Colorado, Feldman opened Rocky Mountain Ethics Consulting, which worked with local governments to foster ethical organizational cultures. Previously, she co-founded Great Education Colorado and Colorado Protectors of Public Schools, bi-partisan organizations which advocated for increased funding of public schools. Feldman began her career as an assistant district attorney in the New York County District Attorney's Office. She also served as a member of the Denver Board of Ethics.

**You were recently appointed by New York State Assembly Speaker Carl Heastie to set up and run the Assembly's new Office of Ethics and Compliance. What should New Yorkers know about your office? How does it differ from other oversight offices?**

This office is still somewhat a work-in-progress. The office is bipartisan and nonpartisan, and we give advice to members and staff on ethics issues. We are also in the process of revamping the ethics training of members and staff to make it more relevant to the issues these respective groups face. I also provide advice and guidance as to how other states have handled ethics and workplace harassment issues so that New York can implement best practices in these areas. I plan also to offer more voluntary informal training next session, and to suggest statutory and policy changes. For example, New York's ethics processes are much less open than in other states, and I hope to increase the transparency. Unlike most oversight agencies, however, we do not have any formal or statutory role in enforcement or oversight.

**This is not the first time you've started a new office; you also were the first executive director of the Colorado Independent Ethics Commission. What are the major obstacles in establishing a new oversight body?**

Any new organization has to find its place in an existing structure. In Colorado, the commission had been created by a voter-initiated constitutional amendment. In the beginning, the new commission faced considerable resistance from both elected officials and public employees, as well as a lot of misinformation circulating about its jurisdiction and its mandate. One of my principal jobs was to ease concerns about how the commission viewed itself and reassure people that the commission would interpret the enabling legislation in a reasonable and common-sense manner.

In this new job, I am still finding my way and learning about how public officials have gotten in trouble in the past, and advising Assembly Members on how to avoid those situations in the future. There are other established agencies which provide guidance to members, but my office is in the same building as members' offices and I go over to the floor of the Assembly on a regular basis just to talk to legislators about issues, which makes me more available.

**New Yorkers are famously jaded about corruption in Albany, but the recent corruption convictions of the leaders of both legislative chambers marked a new low for the state. A [Siena poll](#) found that 89% of New Yorkers believe corruption in Albany to be a serious issue. How will your office work to restore public confidence in state government?**

In the ethics world, avoidance of the appearance of impropriety is almost as important as the avoidance of actual impropriety itself. I think most members understand that they are under a microscope and even appearance issues undermine the integrity of the institution. I think the Assembly is moving in the right direction by having an office that is reviewing its current processes; the Senate does not have a similar office or an internal training program. My previous experience, as well as literature in the field, shows that the more training you do, the more questions you get. That is somewhat counterintuitive, but I think it shows that people often do not view their actions as problematic, because that is “how it has always been done,” but when you bring issues to their attention, they start thinking about the appearance of the actions differently. The more open a process is, and the more ethics issues are discussed, the better the results. I am hopeful that the increased focus on training and ethics in the Assembly also will improve its reputation in the community. It will take time, however to change both the culture and perceptions thereof. New York has a long history of political corruption; even the musical [Hamilton has a song](#) about corruption in Albany in the eighteenth century.

**Before your recent return to New York, you served on the Denver Board of Ethics and, as mentioned above, you have also directed the Colorado Independent Ethics Commission. How does working on ethics oversight differ at the city and state levels?**

The cases the Denver Board of Ethics reviewed were generally smaller in scope than those of the state commission, but very important. The Denver Board has the authority to issue waivers, and a large number of its cases involved issuing waivers for junior-level firefighters and police officers who had relatives in the chain of command, but several levels removed. We also saw many more requests for advice about outside employment; in the state those issues were generally handled at the agency level. I was surprised when I started at the state commission how many conferences and overseas travel opportunities are offered to state officials. I joked that every member of the Colorado General Assembly had been invited to Israel, China, and Turkey. That was a slight exaggeration, but almost all members had been to at least one of those countries. Denver City officials were invited to far fewer trips like that. The

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Mayor was invited on trips, but not other officials. On the other hand there were many more cases involving people having personal relations with the Mayor and whether that posed a conflict when their companies sought to do business with the City.

**Before you moved to Denver, you were an Assistant District Attorney in Manhattan. What did you look forward to most about your return to New York? What about Colorado do you miss most now?**

I was born and raised in New York City, and lived there for a long time, but I had mixed feelings about moving back after 26 years in Colorado. I miss my friends and connections, and the sunshine—Denver gets over 300 days of sunshine a year. I also miss the mountains and the great skiing. But New York has lots of history and historical sites. I live in a building which dates to 1860, 16 years before Colorado was even a state. So it has been fun to explore the historical sites and visit the upstate places I have never explored. I have also reconnected with several friends whom I had not seen in decades, so that has been a benefit as well.