

## **DISPOSITION REPORT**

STATE OF NEW YORK  
LEGISLATIVE ETHICS COMMISSION

SUBSTANTIAL BASIS INVESTIGATION REPORT  
JCOPE 13-168

IN THE MATTER OF FORMER  
ASSEMBLYMEMBER DENNIS GABRYSZAK

### DISPOSITION AND NOTICE OF CIVIL ASSESSMENT

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Pursuant to Executive Law §94(14-a), the Legislative Ethics Commission (LEC) received a Substantial Basis Investigation Report from the Joint Commission on Public Ethics (JCOPE) on November 16, 2015. The report determines that there is a substantial basis to conclude that former Assemblymember Gabryszak violated Public Officers Law §§74(3)(d),(f), and (h) through knowing and intentional conduct.

On November 19, 2015, the LEC served Dennis Gabryszak notice of the receipt of Substantial Basis Investigation Report 13-168 together with a copy of the report, copies of applicable sections of law and LEC Rules on Penalty Proceedings via certified mail, return receipt requested and first class mail. Mr. Gabryszak was also notified of his opportunity to provide a written response to the LEC. Copies of these materials were also served via personal service on Mr. Gabryszak's attorney.

On December 14, 2015, the LEC approved a motion to concur with the Substantial Basis Investigation Report. On December 23, 2015, the LEC served Dennis Gabryszak, via certified mail return receipt requested, with a notice of hearing for the purpose of assessing penalties, scheduled for January 7, 2016 at 10:00 a.m. Mr. Gabryszak's attorney was also notified via personal service. The LEC, pursuant to the request by counsel for Mr. Gabryszak, granted an adjournment of the penalty assessment hearing. The penalty assessment hearing was subsequently rescheduled for January 26, 2016, at 2:30 p.m. On January 26, 2016, at 2:30 p.m., the LEC convened a hearing for the purpose of assessing civil penalties. Mr. Gabryszak's attorney appeared on his behalf to provide a statement and to present evidence relevant to the assessment of penalties.

Pursuant to Legislative Law Section 80(10), the LEC concurs with JCOPE's conclusions of law that there is a substantial basis to find that former Assemblymember Dennis Gabryszak violated Public Officers Law §§74(3)(d), (f), and (h) through knowing and intentional conduct. Based upon a review of the report and supplemental materials provided by JCOPE, the LEC concurs that by subjecting certain female legislative staff under his supervision and professional employment to numerous inappropriate and offensive comments of a sexual nature, offensive videos and photographs and inappropriate physical contact ; by using or attempting to use his

official position to secure unwarranted privileges, including but not limited to, offering raises and issuing threats of adverse employment action to force compliance with inappropriate requests made by Mr. Gabryszak, and by misappropriating legislative time and resources with respect to the foregoing inappropriate conduct, there is a substantial basis to conclude that Dennis Gabryszak violated Public Officers Law §§ 74(3)(d), (f), and (h).

The LEC also concurs with JCOPE's conclusions of law that there is a substantial basis to find that former Assemblymember Dennis Gabryszak violated Public Officers Law §74(3)(d) by misappropriating State resources, including but not limited to the use of staff, printers, office phones, and mailing labels from his district office for his Assembly campaign.

After reviewing the JCOPE report and other relevant materials forwarded to the LEC in consideration of the penalties to be assessed, the LEC concurs that Gabryszak engaged in a course of conduct that violated Public Officers Law §§ 74(3)(d),(f), and (h). The Commission finds that Dennis Gabryszak violated Public Officers Law §§ 74(3)(d), (f), and (h) by his knowing and intentional conduct involving at least seven female staff members.

The LEC further concludes that Dennis Gabryszak violated Public Officers Law §74(3)(d) and (h) in knowingly and intentionally misappropriating State resources by using his District Office and State equipment for his political campaign.

The Commission considered the evidence submitted at the penalty assessment hearing by Mr. Gabryszak, through his attorney, and considered Mr. Gabryszak's admission to his inappropriate conduct, as evidenced, in part, by his prompt resignation from office, in determining the penalties. Accordingly, the Commission directs that Mr. Gabryszak be assessed a total civil penalty in the amount of **one hundred thousand dollars (\$100,000.00)**.

This penalty assessment includes seventy thousand dollars (\$70,000.00), for violations of Public Officers Law §74(3)(d) by his course of conduct involving seven female staff members. In addition, the penalty includes a maximum ten thousand dollar (\$10,000.00) civil penalty for the violation of Public Officers Law §74(3)(d) by his misappropriation of State resources for campaign purposes; and twenty thousand dollars (\$20,000.00) for "the benefit received" as a result of the violation, pursuant to Public Officers Law §74(4).

The Commission notes that Mr. Gabryszak resigned from his Assembly position effective January 13, 2014.

Date: February 12, 2016

Senator Andrew J. Lanza, co-chair  
Assemblymember Charles D. Lavine, co-chair  
Senator Neil D. Breslin  
Assemblymember Michael Montesano  
Peter V. Coffey, Esq.  
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