



Jo Anne Simon
Assemblymember 52nd District

District Office
341 Smith Street
Brooklyn, NY 11231
Telephone: 718-246-4889
Fax: 718-246-4895

THE ASSEMBLY STATE OF NEW YORK ALBANY

CHAIR
Committee on Ethics and Guidance

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Legislative Ethics Commission

COMMITTEES
Codes
Higher Education
Judiciary
Transportation
Ways and Means

September 11, 2023

CONFIDENTIAL

Via Email

Honorable Carl E. Heastie
Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

As you know, the Assembly Committee on Ethics and Guidance (“Committee”) has jurisdiction over, and is responsible for, investigating possible violations of the Assembly’s Policy Prohibiting Harassment, Discrimination and Retaliation, revised 3/12/2019 (“the Policy”, “Policy”). We are writing to summarize the results of a recent investigation and to communicate our findings and recommendations to you, in accordance with the Policy.

Counsel to the Committee received mandatory reports of potential violations of the Policy concerning Assemblymember Danny O’Donnell. Counsel referred the matter to outside independent investigator Danielle J. Marlow of the law firm of Moritt, Hock & Hamroff, LLP to conduct an investigation into the allegations. In conformity with the Policy’s requirements, Chair Simon sent Assembly Member O’Donnell a letter indicating that an investigation had commenced, a Written Plan to Prevent Retaliation, Preserve Documents, and Ensure Non-Interference with Witnesses (“Written Plan”) and a Notice to Preserve Evidence.

Danielle Marlow conducted a thorough investigation, in which Member O’Donnell cooperated. Danielle Marlow reported to the Committee, which accepted her report on the matter at its meeting on June 7, 2023. Thereafter, Member O’Donnell, accompanied by counsel, appeared in front of the Committee on August 28th to provide testimony. Member O’Donnell admitted making “crude” remarks at a time when he was under extraordinary stress. He answered the Committee’s questions and appeared candid, sincere, and remorseful in his testimony.

Having heard from the investigator, Member O’Donnell, and Mr. O’Donnell’s counsel, a majority of the Committee concludes that Member O’Donnell made statements in violation of the policy. Based on the

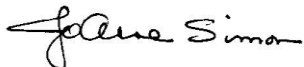
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report and testimony, and given Member O'Donnell's admirable career, lack of prior violations, and demonstrated contrition, a majority of the Committee recommends that:

Member O'Donnell be ordered to undergo retraining on the Policy Prohibiting Harassment, Discrimination and Retaliation and what conduct constitutes a violation thereof.

Respectfully submitted,



Jo Anne Simon,
Chair, Committee on Ethics and Guidance



Charles Lavine, Committee Member



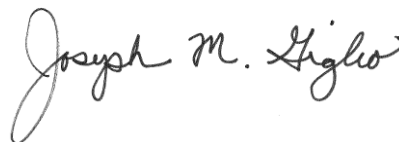
Kenneth Zebrowski, Committee Member



Joseph Angelino, Committee Member



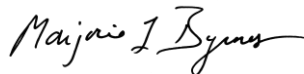
Brian Curran, Committee Member



Joseph Giglio, Ranking Member



Jennifer Lunsford, Interim Committee Member*



Marjorie Byrnes, Committee Member

*Committee Member Catalina Cruz recused herself from this matter.