



New York State Department of Labor

David A. Paterson, Governor

M. Patricia Smith, Commissioner

July 7, 2009

[REDACTED]

Re: Our File No. RO-09-0093

Dear [REDACTED]:

I am writing in response to your letter dated June 26, 2009, requesting an opinion from the Department on whether your client, [REDACTED], is a "public body" as defined under Section 101 of Article 7 of the Public Officers Law (Open Meetings Law).

Section 109 of the Public Officers Law states that the Committee on Open Government "shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law."


Therefore, your question is one to be addressed by the Committee on Open Government as it has jurisdiction over Article 7 of the Public Officer's Law. You attached an advisory opinion from the Committee to your client addressing this exact issue. The Department relies on the expertise of the Committee and defers to the Committee's interpretation of the Public Officers Law found in its advisory opinion to your client.

With regard to the issues that you raise over voting requirements under State Not-for-Profit Corporation and General Construction Law, the issue of what constitutes a public body is irrelevant in determining which statute is controlling in the instant matter. As a not-for-profit corporation, [REDACTED] must meet the voting and quorum requirements of Not-for-Profit Corporation Law. Section 41 of the General Construction Law provides a default quorum and voting requirement where statute does not otherwise provide for one. In this case, since [REDACTED] is subject to State Not-for-Profit Corporation Law, §41 of the General Construction Law would not pertain. .

Sincerely,

Maria Colavito, Counsel

By:


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