



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

January 30, 2008



Re: Request for Opinion
File No. RO-08-0010

Dear [REDACTED]:

In your letter of January 21, 2008, you ask numerous questions arising from statements allegedly made by a person you characterize as "a representative of the New York State Department of Labor." Your description of these alleged statements, and the general tenor of your questions make it appear that these statements may have been made by a Department of Labor investigator in the course of an investigation of possible violations of law.

Please be advised that it is not the policy of the Department of Labor's Counsel's Office to render legal opinions to persons under investigation by the Department of Labor without reviewing the matter with the investigator. If this opinion is, in fact, requested in such context, please provide the full name of the business and/or person(s) under investigation, the Division of the Department of Labor conducting such investigation and the name of the investigator/department representative who made the statement that prompted your questions.

If this is not a matter currently under investigation, please make an affirmative representation, in writing, to that effect, and provide the name of the Department of Labor representative who made these alleged statements so that this office may investigate the full context of the statements prior to rendering an opinion.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me.

Very Truly Yours,

Maria L. Colavito Counsel
By: Jeffrey G. Shapiro
Senior Attorney

JGS:jc