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NEW YORK STATE  
JOINT COMMISSION ON PUBLIC ETHICS

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June 7, 2018

William B. Hoyt III  
c/o Mark F. Glaser, Esq.  
Greenberg Traurig, LLP  
54 State Street, 6<sup>th</sup> Floor  
Albany, NY 12207

Re: JCOPE No. 16-143

Dear Mr. Hoyt:

The New York State Joint Commission on Public Ethics (“Commission”) received information alleging that you may have violated the Public Officers Law while employed as the Regional President of the Empire State Development Corporation, Western New York Region. Specifically, it was alleged that you may have abused your State position to engage in a personal relationship with Lisa Marie Cater. Ms. Cater contacted the Commission to claim that you harassed her, physically assaulted her and threatened her employment with the State. However, the Commission finds that such claims are unsupported by the evidence and your conduct did not implicate the Public Officers Law.

The Commission has reviewed hundreds of pages of records, including email correspondence, information supplied and testimony taken by the Office of the Inspector General, and employment records, and has also interviewed multiple witnesses including you and Ms. Cater. Throughout the Commission’s inquiry, Ms. Cater was uncooperative, making it difficult to ascertain the nature of her complaint and its underlying facts except as otherwise set forth herein.

There is conflicting evidence concerning the exact nature and extent of your relationship with Ms. Cater, but the weight of the evidence supports the existence of a consensual personal relationship with her which became strained in 2016. The Commission found evidence that: beginning in or around December 2015, you began a personal relationship with and assisted Ms. Cater in finding housing before she was employed by the State; you subsequently assisted her in finding employment with the Department of Motor Vehicles (“DMV”); when Ms. Cater went on

disability leave from that job (ostensibly as a result of injuries sustained from a cat), you assisted her with obtaining voluntary leave donations from other State employees (consistent with State practice in having fellow employees donate leave to individuals without an adequate reserve of leave); and, you also provided Ms. Cater with financial assistance. Ms. Cater was never your subordinate in State government. In 2016, Ms. Cater, at times acting through counsel, threatened to publicly reveal your relationship with her unless you paid her \$350,000. Ultimately, you entered into an agreement with her whereby you paid her \$50,000 from your personal funds.

The Commission does not find Ms. Cater or any of her claims to be credible. Indeed, Ms. Cater was, more often than not, evasive and unresponsive, initially refusing to meet with and then refusing to answer many questions or provide additional documents to the Commission. In addition, her allegations are inconsistent with the documents collected by the Commission. Finally, there is forensic evidence establishing that some of the evidence she did provide to the Commission was fabricated. Despite repeated attempts to communicate with Ms. Cater, including through her various attorneys, she has neither been forthcoming nor has she provided additional information to clarify inconsistencies in her allegations or to address the veracity of the documents that she produced.

The Commission has found no evidence that you at any time used your official position to help Ms. Cater obtain a job, gain other assistance, threaten her employment, or extort sexual favors. Ms. Cater was qualified for the DMV position for which she was hired. Although you recommended that Ms. Cater be considered for the vacant position at DMV, you had no authority over the decision to hire her. Witnesses who donated leave to Ms. Cater did not work at your agency or report to you, and they made clear that they did not feel pressured by you to assist Ms. Cater.

Accordingly, for the reasons stated herein, the Commission has determined that your actions do not implicate the Public Officers Law; therefore, the Commission has closed this matter and directed that I send this letter.

Sincerely,



Seth H. Agata  
Executive Director

Cc: Lisa Maria Cater and  
Paul Liggieri, Esq.  
Derek Smith Law Group, PLLC