



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

ANDREW M. CUOMO
GOVERNOR

ALPHONSO B. DAVID
COUNSEL TO THE GOVERNOR

September 2, 2016

Commissioner RoAnn M. Destito
Office of General Services
41st Floor, Corning Tower
Empire State Plaza
Albany, NY 12242

Dear Commissioner Destito:

I write to confirm our prior discussions with your staff over the past several months regarding implementation by the Office of General Services ("OGS") of Executive Order #157, which directs OGS to develop a list of institutions and companies that engage in or promote others to engage in boycott, divestment, or sanctions activity targeting Israel.

As discussed, the following guidelines should be followed by OGS in its development of the list:

- An institution or company's statement that it is participating in boycott, divestment, or sanctions activity targeting Israel, or a statement that it has taken boycott, divestment, or sanctions activity targeting Israel at the request of, in compliance with, or in furtherance of calls for boycott, divestment, or sanctions activity targeting Israel, can be considered as one type of evidence that that institution or company is participating in boycott, divestment, or sanctions activity targeting Israel.
- The Executive Order applies to business operations and business conduct. Nothing in the Executive Order shall be interpreted as applying to pure speech.
- The phrase "promote others to engage in any activity" as used in the Executive Order means that a person who is authorized to act on behalf of an institution or company engages that institution or company in such activity. Where that is the case with respect to boycott, divestment, or sanctions activity targeting Israel, the institution or company should be viewed as participating in boycott, divestment, or sanctions activity targeting Israel.

- OGS is permitted to work with other states that have implemented similar policies related to international boycott activities, and with related outside groups, in order to more effectively utilize relevant publicly available information.

These guidelines are not exhaustive and are intended to assist OGS in its implementation of the Executive Order. Should you wish to discuss the guidelines or the Executive Order further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by 'B. David' and a long horizontal flourish extending to the right.

Alphonso B. David