§ 216. Falsely impersonating an employee organization or employee organization representative. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Falsely impersonate an employee organization or employee organization representative" shall mean to use, with the specific intent to deceive the recipient and thereby cause harm to such recipient or employee organization, fraud, misrepresentation, material omission, or other deception in making and disseminating a verbal, written, or electronic communication that purports to be authorized or otherwise approved by such employee organization or employee organization representative but that has not been authorized or approved by such employee organization or employee organization representative.

(b) "Employee organization representative" shall mean any person authorized by an employee organization, pursuant to its constitution, bylaws or other internal rules or procedures, to act on behalf of such employee organization.

2. No person shall falsely impersonate an employee organization or an employee organization representative.

3. (a) Whenever the attorney general shall believe, from evidence satisfactory to the attorney general, that any person, including but not limited to an individual, organization, firm, corporation, company, partnership or association, or agent or employee thereof, has engaged or is about to engage in the false impersonation of an employee organization or an employee organization representative, the attorney general may bring an action or proceeding in the name and on behalf of the people of the state of New York to enjoin such unlawful acts or practices. In such action or proceeding, preliminary relief may be granted under article sixty-three of the civil practice law and rules. In addition to and not in lieu of any other damages that may be claimed, any person found to be in violation of this section through such action or proceeding shall be fined one thousand dollars per incident; provided, however, that a court shall have discretion to reduce the total fine if the court finds that the amount of such fine is disproportionate to the defendant's conduct.

(b) The attorney general may bring such an action against any person

disseminating verbal, written, or electronic communications in this state, whether or not the person is within the state.

(c) In connection with any proposed action or proceeding under this section, the attorney general is authorized to take proof and make a determination of the relevant facts, and to issue subpoenas in accordance with the civil practice law and rules.

4. To protect public employees from fraud or misrepresentation, including the false impersonation of an employee organization representative, an employee organization shall have, as a matter of internal governance, the sole authority to identify and designate its employee organization representatives.