JOINT COMMISSION ON PUBLIC ETHICS MEETING GUIDELINES

1. Commission declaration.
The Joint Commission on Public Ethics was created under the New York State Public Integrity Reform Act of 2011 as an independent agency charged with promoting and enforcing New York State's ethics and lobbying laws while rebuilding public trust in government.
As a deliberative body, the Commission must meet at least every two months. All meetings are governed by Executive Law §94(19)(b) which provides that all meetings or proceedings are not public unless expressly provided otherwise by the Commission or in the Lobbying Act. The Commission is committed to conducting public meetings as appropriate and consistent with law while also protecting the integrity and confidentiality of the investigative and enforcement matters under its mandate.
The policies set forth below endeavor to implement these goals.

2. Definitions.
(1). "Meeting" means the official convening of a quorum, as defined in Executive Law §94(6), of the Joint Commission on Public Ethics for the purpose of conducting the functions of the Commission pursuant to statute. A commissioner shall be deemed to participate for purposes of a quorum when physically present or when participating through electronic means in which the commissioner can communicate with the other commissioners and be simultaneously seen and heard, for example, through videoconferencing or similar mechanism.
(2). "Executive session" means that portion of a meeting not open to the general public.

3. Meetings and hearings.
(1). The Commission shall endeavor to ensure that matters that can be addressed publicly are addressed in a public proceeding. Generally, unless doing so would be inconsistent with law, the following types of matters should be open to the public:
a. proceedings relating to proposed guidelines and policies;
b. proceedings relating to rulemaking and the promulgating of regulations;
c. proceedings involving administrative matters of the Commission;
d. discussions or proceedings involving reports on agency statistics or performance-related data, including any reports involving the Commission's publicly available data; and
e.
f. any other matter, consistent with law and section five below, that would be open to the public pursuant to Article Seven of the Public Officers Law.
(2). The Commission shall make every reasonable effort to ensure meetings are held in facilities able to adequately accommodate members of the general public and, pursuant to Executive Law §94(19)(b) shall make every effort to expressly authorize attendance by the general public except for matters explicitly confidential by statute or for executive session pursuant to section five of these guidelines.
(3). The Commission shall make all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the Public Buildings Law.
(4). The Commission shall make reasonable efforts to ensure that meetings open to the general public are also open to audio and video recording, webcast, broadcast and the use of still photography. Such recording, webcast, broadcast and photography, and the equipment and

Deleted: (3). "Hearing" means an adjudicatory proceeding led by an independent hearing officer pursuant to 19 NYCRR Part 941 to determine whether a civil penalty should be assessed for a violation of sections 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or article one-A of the Legislative Law.¶

Deleted: any hearing to determine whether a civil penalty should be assessed for a violation of sections¶ 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or article one-A of the Legislative Law; and

personnel necessary to perform those functions, shall be reasonably accommodated so as not to interfere with the orderly proceedings of the Commission.
(5). Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's web site prior to the meeting to the extent practicable.

4. Public notice.
Public notice of the time and place of a meeting scheduled shall be conspicuously posted on the Commission's website prior to the meeting, and at least seventy-two hours before such meeting when practical. Such notice shall identify the location(s) of the meeting as well as indicate whether the Commission itself plans to webcast the meeting and its Internet address for the public to access such webcast.

5. Conduct of executive sessions.
(1). Upon a majority vote of the Commission, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Commission shall conduct an executive session for the below enumerated purposes:
a. any matter relating to a specific investigation, enforcement or adjudication pursuant to the confidentiality restrictions of Executive Law §94, including deliberations regarding a hearing officer's recommendations or findings. However, Commission votes regarding a hearing officer's recommendation or findings, or votes regarding a proposed settlement will be recorded and made public upon the issuance of the final order of the Commission relating to the same. Such recording shall reflect whether each commissioner concurred, dissented, abstained, or was absent;
b. matters appealed to the Commission pursuant to guidelines, regulation, policy or statute wherein a vote by the Commission constitutes final agency action, such as an appeal from the executive director's denial to delete or exempt certain information from financial disclosure statements as set forth in 19 NYCRR Part 941.19; and
c. matters involving proposed, pending or ongoing litigation; personnel matters or matters involving private information; discussions relating to the sale or lease of real property; and any other matter enumerated in Public Officers Law §105.
(2). Attendance at an executive session shall be permitted to any member of the Commission and any other persons authorized by the Commission who have signed a non-disclosure agreement.

6. Minutes and recording of votes.

(1). Minutes shall be taken at all open meetings of the Commission which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be made available to the public upon their approval by the Commission.
(2). Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon.

7. Effective Date

The Meeting Guidelines, as amended, shall become effective upon the effective date of Chapter XXX, Laws of 2016.