

**MINUTES OF THE PUBLIC SESSION OF THE  
APRIL 26, 2016  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
HELD AT THE COMMISSION'S OFFICE LOCATED AT  
540 BROADWAY  
ALBANY, NEW YORK**

**Chair:** Daniel J. Horwitz (ALB)

**Members:**

Marvin Jacob (NYC)  
Seymour Knox, IV (ALB)  
Hon. Eileen Koretz (ALB)  
Gary J. Lavine (ALB)  
Hon. Mary Lou Rath (BUF)  
David A. Renzi (ALB)  
Michael A. Romeo, Sr. (Webex)  
Hon. Renee R. Roth (ALB)  
Michael K. Rozen (Webex)  
Dawn L. Smalls (NYC)  
George H. Weissman (ALB)

**Members**

**Absent:**

**Staff:**

Seth H. Agata, Executive Director  
Monica J. Stamm, General Counsel  
Martin L. Levine, Director of Lobbying and Financial Disclosure Compliance and  
Senior Counsel  
John P. Harford, Special Counsel and Director of Ethics and Lobbying Guidance  
Stephen Boland, Director for Administration  
Walter J. McClure, Director for External Affairs  
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement  
Emily A. Logue, Investigative Counsel  
Leah Ramos, Associate Counsel  
Terence Mulderrig, Senior Investigator  
Peter J. Smith, Investigator  
Lori Donadio, Confidential Legal Assistant  
Deborah Novak, Executive Assistant

**I. CALL TO ORDER**

Chair Horwitz called the April 26, 2016 Commission Meeting to order and then welcomed the new Executive Director Seth H. Agata and thanked Commissioners Arroyo and Covello, who both resigned, for their service on the Commission.

**II. APPROVAL OF MINUTES – PUBLIC SESSION**

**March 22, 2016**

A motion was made by Commissioner Roth, which was seconded by Commissioner Weissman, to approve the Minutes from the Public Session of the March 22, 2016 Commission Meeting. The motion was approved by unanimous vote.

**III. REPORT FROM STAFF**

**End of Year Financial Report**

Director for Administration Stephen Boland provided the fourth quarter report in the fiscal year 2015-16. Director Boland reported that the Commission spent just over \$838,000 in personal services, which amounts to year-to-date total of just over \$3,469,000 or 78.7% of the cash disbursement ceiling. For non-personal services in the fourth quarter, the Commission spent just over \$270,000, which equates to a year-to-date total of \$146,000 or 76.2% of the cash disbursement target. Overall in the fourth quarter the Commission spent \$1,109,000 for a year-to-date total of \$4,325,000 or 78.2% of the cash disbursement ceiling.

**2016-17 Appropriations**

Director Boland stated that the Commission received the same appropriation as last year. That amount equates to \$4.637 million for personal services, and \$945,000 for non-personal services.

### **FDS Filings**

Director of Lobbying and Financial Disclosure Compliance and Senior Counsel Martin L. Levine reminded the Commission that the calendar year 2015 Financial Disclosure Statement filing season is open, with a due date of May 16, 2016. Filers have been notified by the Commission about the deadline. The new form and instructions are available on the Commission's website. In order to use the Commission's new online filing system, a login with NY.Gov is required. If filers do not have one, Commission staff can help set that up. Staff has been working on establishing accounts for the majority of State employees. The Commission expects approximately 27,000 filers again this year, which is consistent with the last few years. The agencies across the State and ITS have been great in helping get filers enrolled in the new system and transitioning records. Staff has also been busy on the telephones helping filers, and will continue to do so through the May 16, 2016 filing deadline.

#### **IV. NEW AND OTHER BUSINESS**

##### **Proposed Meeting Schedule – July through December 2016**

Chair Horwitz stated that the meeting schedule was circulated over the last few months and understands that there is one date in particular, in the beginning of August, with which some Commissioners may have a conflict. That conflict will be worked through so that all Commissioners can be accommodated.

#### **V. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW §94(19)(b)**

A motion was made by Commissioner Roth and seconded by Commissioner Knox to enter into Executive Session pursuant to Executive Law §94(19)(b). The motion was approved by unanimous vote.

#### **VI. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION**

Chair Horwitz announced that, during the Executive Session, pursuant to Executive Law §94(19)(b), the Commission referred a matter concerning the Upstate Medical Center to the New York Attorney General for a possible criminal prosecution. The Commission

referred a pending JCOPE Substantial Basis Investigation concerning a former employee of the New York State Department of Taxation and Finance to the Albany County District Attorney for possible criminal prosecution. The Commission authorized communications on several investigative matters with parties outside the Commission, and the Commission received updates from the staff on a number of ongoing Substantial Basis Investigations.

**VII. MOTION TO ADJOURN THE PUBLIC MEETING**

A motion was made by Commissioner Weissman, which was seconded by Commissioner Roth, to adjourn the Public Meeting. The motion was approved by unanimous vote of Chair Horwitz and Commissioners Jacob, Knox, Koretz, Lavine, Rath, Renzi, Romeo, Roth, Smalls and Weissman. Commissioner Rozen was not present for the motion.