

**MINUTES OF THE PUBLIC SESSION OF THE
MARCH 21, 2017
COMMISSION MEETING
OF THE JOINT COMMISSION ON PUBLIC ETHICS
HELD AT THE COMMISSION'S OFFICE LOCATED AT
540 BROADWAY
ALBANY, NEW YORK**

Acting Chair: Michael K. Rozen (NYC)

Members:

Robert Cohen (NYC)
Marvin Jacob (NYC)
Seymour Knox, IV (BUF)
Hon. Eileen Koretz (NYC)
Gary J. Lavine (Webex)
J. Gerard McAuliffe, Jr. (ALB)
David A. Renzi (Webex)
Hon. Renee R. Roth (Webex)
Dawn L. Smalls (NYC)
George H. Weissman (Webex)
Hon. Penny M. Wolfgang (BUF)

Members

Absent: None

Staff:

Seth H. Agata, Executive Director
Monica J. Stamm, General Counsel
Stephen J. Boland, Director of Administration
Keith C. St. John, Director of Ethics
Walter J. McClure, Director of Communications and Public Information
Officer
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement
Emily A. Logue, Deputy Director of Investigations and Enforcement
Patrick E. Coultry, Chief Investigator
Peter J. Smith, Investigator
Michael Sande, Deputy Director of Ethics Guidance
Carol C. Quinn, Deputy Director of Lobbying Guidance
Meghann Hennigan, Deputy Director of Education
Erin R. Lynch, Associate Counsel
Lori Donadio, Principal Investigative Analyst
Deborah Novak, Secretary to the Commission

I. CALL TO ORDER

Acting Chair Michael Rozen called the March 21, 2017 Commission Meeting to order.

II. APPROVAL OF MINUTES – PUBLIC SESSION

February 28, 2017

General Counsel Monica J. Stamm stated that Commissioner Weissman had proposed corrections to the minutes; first on page 3, top paragraph regarding the PEF Pay Bill’s effect on FDS filings, the change is to add a sentence to the end, “Commissioner Weissman asked if there had been outreach to prospective filers and agencies that would be impacted. Staff replied that outreach had already commenced with ethics offices in the agencies.”; on page 5, first sentence should be changed to “Commissioner McAuliffe. . .”; second paragraph on page 5, beginning with “Commissioner Renzi” should read “Commissioner Weissman initially raised the issue, followed by Commissioner Renzi, that the only new evidence before the Commission appears to be the email and the handwritten letter that may or may not be from one individual who consistently opposes this organization and perhaps other similar organizations.”

A motion was made by Commissioner McAuliffe, seconded by Commissioner Roth, to approve the Minutes from the Public Session of the February 28, 2017 Commission Meeting as amended. The motion was approved by unanimous vote.

III. REPORT FROM STAFF

Executive Director Seth Agata introduced the new Director of Ethics, Keith St. John, who previously served as a counsel to the New York State Senate Democratic Conference.

Update on 2016 Annual Report

General Counsel Stamm explained that Executive Law §94 requires the Commission to submit an annual report to the Legislature and to the Governor. Staff is finalizing the lobbying data analysis for 2016 and anticipates that the 2016 calendar year report will be ready for review before the next meeting. Staff will circulate the draft to the Commission in advance of making it public, with an opportunity for the Commissioners to review and give comments.

Update on Budget

Executive Director Agata explained that both Houses submitted their one-House iterations of the budget and have accepted the appropriation level set by the Executive for JCOPE. Neither House adopted the proposal in the Executive's submission on requiring certain municipal officials to file Financial Disclosure Statements with JCOPE. Both Houses in different forms, propose legislation that would impact JCOPE by making the members of the Regional Economic Development Councils subject to the requirements in Public Law §§73-a and 74.

Update on Staff Draft of Legislative Proposals

Executive Director Agata explained that since the last Commission meeting, he received comments from Commissioners and their changes have been incorporated into updated drafts. Executive Director Agata summarized the changes. He advised that he received calls from some Legislators who have reviewed the draft proposals posted on the website. Staff proposes posting the new proposals to continue the dialog.

Commissioner Lavine asked if there has been any further discussion about reforming the Financial Disclosure Statement protocols, specifically reducing the number of employees who are required to file the long form. Executive Director Agata explained that there have been no specific discussions along those lines. The only legislative issue that has arisen is the PEF situation, which raised the salaries of PEF and M/C employees such that the Commission anticipates up to

another three thousand filers, a 10% increase. Commissioner Lavine reiterated his view that it is preposterous to have that number required to file the long form and strongly urges a discussion with the Executive Chamber and the Legislature on the subject. Executive Director Agata explained that the Commission should come up with some thoughtful proposals before having those conversations. Executive Director Agata suggested that staff will start working on a proposal and will report back to the Commission. Commissioner Lavine stated that the next steps expressed by the Executive Director are very appropriate. Commissioner Weissman thanked Executive Director Agata for taking a considerable amount of time going through the proposals, and feels that the process has been an excellent collaborated effort, and it is truly appreciated and looks forwards to the same collaborated effort going forward.

IV. REGULATIONS

Exemption from Publicly Disclosing Client Name in Financial Disclosure Statements

Deputy Director of Ethics Guidance Michael Sande explained that the regulations were initially presented to the Commission back in December 2016 and were approved at that time to be submitted for publication and comment in accordance with SAPA. The public comment period has now expired; no comments were received, and staff is now prepared to submit the regulations again, on an emergency basis and for final adoption to make sure that they remain in effect until the final regulations take effect, which would be on or about April 5, 2017. In response to a question from Commissioner Lavine, General Counsel Stamm advised that OCA previously adopted regulations a while ago and JCOPE's regulations are consistent with those regulations.

A motion was made by Commissioner Jacob, seconded by Commissioner Koretz, to adopt the regulations on an emergency and permanent basis. The motion was approved by unanimous vote of Chair Rozen and Commissioners Cohen, Jacob,

Knox, Koretz, Lavine, McAuliffe, Renzi, Smalls, Weissman and Wolfgang. Commissioner Roth was not present for the motion.

V. **NEW AND OTHER BUSINESS**

Proposed Meeting Schedule – July through December 2017

General Counsel Stamm stated that a proposed meeting schedule for the remainder of 2017 is included in the meeting book. If there are any scheduling conflicts, please let staff know.

VI. **MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO**

EXECUTIVE LAW §94(19)(b)

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

VII. **PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION**

Acting Chair Rozen announced that, during the Executive Session, pursuant to Executive Law §94(19)(b), the Commission commenced two substantial basis investigations and discussed several investigative matters and litigation.

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

A motion was made by Commissioner Koretz, seconded by Commissioner Smalls, to adjourn the Public Meeting. The motion was approved by unanimous vote.