

**MINUTES OF THE PUBLIC SESSION OF THE
JULY 31, 2012
COMMISSION MEETING
OF THE JOINT COMMISSION ON PUBLIC ETHICS
HELD AT THE COMMISSION'S OFFICE LOCATED AT
540 BROADWAY
ALBANY, NEW YORK**

Present:

Chair: Hon. Janet DiFiore

Members: Ravi Batra
Patrick J. Bulgaro
Hon. Joseph Covello
Hon. Vincent A. DeIorio
Mitra Hormozi (*via* Skype)
Daniel J. Horwitz
Marvin E. Jacob
Seymour Knox, IV
Gary J. Lavine
David A. Renzi
George H. Weissman
Ellen Yaroshefsky

Members

Absent: Hon. Mary Lou Rath

Staff:

Ellen N. Biben, Executive Director
Monica J. Stamm, Chief of Staff & Deputy Counsel (*via* Skype)
John T. Milgrim, Director for External Affairs
Kitty Kay Chan, Chief Economist & Director of Audit and Review
Robert Cohen, Special Counsel and Director of Ethics and Lobbying Compliance
Shari Calnero, Associate Counsel
Louis Manuta, Associate Counsel
Michele Petruzzelli, Manager of Training and Associate Counsel
Joanna C. Weiss, Associate Counsel
Patrick Coultry, Chief Investigator
Jack Patterson, Confidential Investigator
Jeannine Clemente, Director of Administration
Deborah Novak, Executive Assistant
Jennifer Phelps, MIS Specialist

I. OPENING STATEMENT

Chair DiFiore opened the Public Session.

II. MINUTES - PUBLIC SESSION – JUNE 26, 2012

Upon motion made by Commissioner Weissman, which was seconded by Commissioner DeIorio, the Minutes from the Public Session of the June 26, 2012 Commission Meeting were approved by unanimous vote as modified to reflect that Commissioner Yaroshefsky was unable to participate via Skype due to technical difficulties. Commissioners Batra, Hormozi, and Yaroshefsky arrived late and were not present for the approval of the June 26, 2012 Public Session Minutes.

III. EXECUTIVE DIRECTOR’S REPORT

Executive Director Biben announced the hiring of two new staff members, an Associate Counsel for Ethics and Lobbying Compliance and a Manager of Training. The Commission is continuing to post and recruit for the remaining open positions.

Executive Director Biben presented and discussed the Commission's new website which would be activated following the Commission Meeting. The new website will be easier to navigate and makes the agency and publically available information more accessible. Executive Director Biben thanked staff who created a new and improved website despite very limited resources. Commissioners and staff discussed that the new website and new developments should be announced to the community.

IV. LOBBYING ACT GUIDELINES AND REGULATIONS UPDATE

Executive Director Biben thanked Mr. Robert Cohen, Director of Ethics and Lobbying Compliance, and his team for their extraordinary, thoughtful work on the Lobbying Act guidelines and regulations.

Source of Funding Regulations and Reportable Business Relationship Guidelines

Executive Director Biben presented and discussed the seminal provisions of the new source of funding disclosure requirements and the new reportable business disclosure requirements. The Commission sought public comments and held a hearing in early June which informed the proposed regulations and guidelines. In addition, all Commissioners had been invited to work with staff in refining the regulations and guidelines, and several Commissioners participated in that process. The proposed regulations and guidelines evolved from the collective drafting process and addressed the various concerns those Commissioners had raised.

Given the time constraints of the SAPA process, Executive Director Biben encouraged the Commissioners to adopt the proposed Source Funding regulations now in order to initiate the statutory review and comment period of SAPA to try to meet the January 15, 2013 filing deadline. Although the Reportable Business Relationship guidelines are not subject to SAPA, Executive Director Biben proposed that the Commission consider approving the proposed guidelines to be posted on JCOPE's website and invite public comment. After reviewing and incorporating any comments, the guidelines would be re-presented to the Commission for final approval.

Commissioner Batra made a motion to adopt the source of funding regulations with three amendments: (1) Section 938.2(a) Definitions Responsible Party/Single Source should be amended to "two or more persons with whom the client filer has reason to know are relatives. . ."; (2) In section 938.3(a) the Client Semi-Annual Report due on January 15, 2013 should be replaced with July 15, 2012; and (3) Section 938.4(a) should be amended to add that the Commission grants "by vote" an

exemption to disclose a Single Source of a Contribution. There was no second, so no vote took place on the motion.

A motion was made by Commissioner Bulgaro, which was seconded by Commission Yaroshefsky, to approve the proposed source of funding regulations. The motion was approved by a 12/1 vote. Commissioner Batra was opposed to the motion.

A motion was made by Commissioner Covello, which was seconded by Commissioner Batra, to approve the proposed reportable business relationship guidelines. The motion was approved by unanimous vote. The guidelines will be posted as proposed guidelines for solicitation of additional public comment, after which, staff will re-present the guidelines to the Commission for approval.

V. NEW AND OTHER BUSINESS

There was no new or other business.

VI. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW §94(19)(b)

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

VII. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chair DiFiore announced that there was no reportable action taken in the Executive Session.

VIII. MOTION TO ADJOURN THE PUBLIC MEETING

Upon motion made by Commissioner DeIorio, seconded by Commissioner Renzi, the meeting was adjourned by unanimous vote.