

**MINUTES OF THE PUBLIC SESSION OF THE  
SEPTEMBER 27, 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:** Hon. Joseph Covello  
Hon. Vincent A. DeIorio  
Mitra Hormozi (*via* Skype arriving @ 10:50 a.m.)  
Daniel J. Horwitz  
Marvin E. Jacob  
Seymour Knox, IV (*via* Skype arriving 12:40 p.m.)  
Gary J. Lavine  
Mary Lou Rath  
David A. Renzi (*via* Skype)  
George H. Weissman

**Members**

**Absent:** Patrick Bulgaro  
Ellen Yaroshefsky

**Staff:** Ellen N. Biben, Executive Director  
Monica J. Stamm, Chief of Staff & Deputy Counsel  
John T. Milgrim, Director for External Affairs  
Letizia Tagliafierro, Director of Investigations and Enforcement  
Patrick Coultry, Chief Investigator  
Jack Patterson, Confidential Investigator  
Terence Mulderrig, Senior Investigator  
Robert Cohen, Special Counsel and Director of Ethics and Lobbying  
Compliance  
Shari Calnero, Associate Counsel  
Joanna Cohn Weiss, Associate Counsel (*via* Skype)  
Louis Manuta, Associate Counsel  
Jeannine Clemente, Director of Administration  
Deborah Novak, Executive Assistant  
Ken Szesnat  
Jennifer Phelps

**I. OPENING STATEMENT**

Chair DiFiore opened the Public Session.

**II. MINUTES - PUBLIC SESSION – AUGUST 28, 2012**

Upon motion made by Commissioner Rath, which was seconded by Commissioner Covello, the Minutes from the Public Session of the August 28, 2012 Commission Meeting were approved by unanimous vote of 9 Commissioners. Commissioners Hormozi and Knox were not present for the approval of the August 28, 2012 Public Session Minutes.

**MINUTES - PUBLIC SESSION – SEPTEMBER 4, 2012**

Upon motion made by Commissioner Rath, which was seconded by Commissioner DeIorio, the Minutes from the Public Session of the September 4, 2012 Commission Meeting were approved by unanimous vote of 9 Commissioners. Commissioners Hormozi and Knox were not present for the approval of the September 4, 2012 Public Session Minutes.

**MINUTES - PUBLIC SESSION – SEPTEMBER 10, 2012**

Upon motion made by Commissioner Covello, which was seconded by Commissioner Rath, the Minutes from the Public Session of the September 10, 2012 Commission Meeting were approved by unanimous vote of 9 Commissioners as modified to reflect Commissioner Weissman's request that the minutes identify the individual Commissioners who voted in favor and against Commissioner Jacob's motion to retire into Executive Session, and at the conclusion of the Executive Session, report the result of its vote and issue a statement concerning the narrow legal issue that was discussed at the preceding Commission Meeting. Commissioners Hormozi and Knox were not present for the approval of the September 10, 2012 Public Session Minutes.

### **III. EXECUTIVE DIRECTOR'S REPORT**

#### **Staff Update**

Executive Director Biben informed the Commission that staff continues to recruit for the open positions and has now hired an additional investigator, who is a great addition to the staff.

#### **Opening of Buffalo Office**

The Executive Director also informed the Commission that staff continues to actively recruit for the Buffalo office with hopes to open that office as soon as October.

#### **Records Access and Source Funding Regulations Update**

The Executive Director provided an update on the two different sets of proposed regulations that the Commission has already approved. Both the records access regulations and the source of funding regulations have been published in the State Register, and the public comment period is ongoing.

#### **Gift and Public Service Announcement Regulations**

The Executive Director informed the Commission that staff is developing the public service announcement regulations which are required by statute and is considering a mechanism for providing more clarity and guidance regarding gift provisions in the Public Officers Law and the Lobbying Law. PIRA included some new language and requirements on gifts. Staff will continue to update the Commission on its progress on these issues.

#### **2013-14 Budget Request**

The Executive Director informed the Commission that it has received the letter from the Division of Budget asking all agencies to submit their budget requests by October 16. Staff is actively working on its submission in conjunction with the Administration Committee.

### **Business Service Center**

The Executive Director updated the Commission concerning the Business Service Center, an effort to centralize administration functions for State agencies. With the assistance of Jeannine Clemente, staff have been engaged with the Office of General Services to explore whether the Commission can achieve efficiencies and savings by participating in the Business Service Center. Staff will continue to work with the Administration Committee to determine specific areas where the Commission should take advantage of these services.

### **Staff Recusal Policy**

Chair DiFiore discussed the staff recusal policy, which the Commission previously adopted, and that some Commissioners have suggested that the policy may need some refining. The Chair suggested that the Commission put together a subcommittee to work on this issue and make a recommendation to the Commission as to whether or not to revise the policy. Any Commissioner who would like to join the Chair on that committee should e-mail her. The Chair looks forward to the Commissioners' interest and input on this issue.

## **IV. TRAINING UPDATE**

The Executive Director informed the Commission that training and education is an area of tremendous importance. The Manager of Training, Michele Petruzzelli has been doing a great job, working tirelessly to update materials and develop programs that will be started and implemented as early as next month. She would like to make a full presentation to the Commission about her progress, but because she is out sick, it will be postponed until October.

## **V. NEW AND OTHER BUSINESS**

Commissioner Weissman stated that the Administration Committee, during a conference call, was given information about a new hire. He asked that the Executive Director share this information with fellow Commissioners and the

process that the Commission has had to go through. Both the Chair and Executive Director indicated that there are a number of personnel issues that would be discussed during the Executive Session.

Commissioner Jacob requested an update on the New York City Office on Beaver Street. The Executive Director announced that the Beaver Street construction has been completed. Jeannine Clemente, her staff and Chief of Staff Monica Stamm were instrumental in helping this go forward on-time and staff is ready to move into the furnished space which includes a conference room, connection to the Commission's network, and Skype capabilities to accommodate the downstate Commissioners.

**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 Horwitz, seconded by Commissioner DeIorio, and was approved by unanimous vote. Commissioner Knox was not present for the motion.

**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 Weissman, seconded by Commissioner DeIorio, which was approved by unanimous vote, the meeting was adjourned.