

**MINUTES OF THE PUBLIC SESSION OF THE
FEBRUARY 28, 2012
COMMISSION MEETING
OF THE JOINT COMMISSION ON PUBLIC ETHICS
HELD AT THE COMMISSION'S OFFICE LOCATED AT
540 BROADWAY
ALBANY, NEW YORK**

Approved on March 27, 2012

Present:

Chair: Hon. Janet DiFiore

Members: Ravi Batra
Patrick J. Bulgaro
Hon. Joseph Covello
Hon. Vincent A. DeIorio
Mitra Hormozi
Daniel J. Horwitz
Marvin E. Jacob
Seymour Knox, IV
Gary J. Lavine
Hon. Mary Lou Rath
David A. Renzi
George H. Weissman

Staff: Ellen N. Biben, Executive Director
Theresa A. Schillaci
John T. Milgrim
Shari Calnero
Jeannine Clemente
Deborah Novak

I. OPENING STATEMENT

Chair DiFiore opened the Public Session.

II. INTRODUCTION OF NEW EXECUTIVE DIRECTOR

Chair DiFiore briefly introduced Ellen N. Biben, Executive Director of the Joint Commission on Public Ethics.

III. MINUTES - PUBLIC SESSION – JANUARY 31, 2012

Upon motion made by Commissioner Batra seconded by Commissioner Hormozi, the Minutes from the Public Session of the January 31, 2012 Commission Meeting were approved by unanimous vote.

IV. COMMISSION UPDATES

Theresa A. Schillaci provided an update on the current backlog. Since the last meeting, the Commission hired Shari Calnero on a temporary basis and together have responded to approximately 150 telephone calls in addition to 30-40 e-mail requests from individuals seeking guidance. In addition, staff has processed approximately 4-5 informal opinions for individuals who needed immediate assistance with regard to pending job offers. There is still a backlog of approximately 40 requests for informal opinions.

Theresa A. Schillaci was able to review complaints with the assistance of the paralegal and was able to process numerous complaints where there was no jurisdiction and referred some complaints to other agencies. Without an investigative staff, there continues to be a large backlog.

Jeannine Clemente provided an overview and update on additional issues. As of last Friday, the Commission has spent \$2.9 million of Commission's cash total which is \$3.4 million. \$565,700 of revenue was deposited in the General Fund. These revenue sources consist of lobbyist registration fees, client filing fees and late filing fees and fines. Next year the Commission's revenues are expected to be approximately \$1.3 million due to the cyclical nature of registration fees.

Jeannine Clemente provided an update on Administration Committee issues. A new State contract for purchasing computers has been approved. The price to purchase the computers was less than originally projected. It is actually more cost effective to purchase new computers rather than upgrade the old computers. A request has been made to the Division of Budget for expedited approval to order

and purchase the new computers and hopefully disburse of this expense before the end of the fiscal year.

The Office of General Services has been contacted to discuss solutions to reduce the size of the Commission's leased space which has 6 years remaining at a cost of approximately \$600,000 per year which includes add-ons. Options discussed included finding another agency to take on some of the space, or swapping out the entire space with a bigger agency that could utilize all three floors. The Commission would move into their space. One of the drawbacks for moving into State space would be the high density filing system which is very heavy and needs additional floor load support. The agency buildings cannot support the weight of a high density filing system. However, it is anticipated that we will have less files since the Commission has switched to electronic filing and we expect a progressive decrease in the volume of the Financial Disclosure filings that utilize the high density filing space. This may allow the Commission to change over to a lighter traditional filing system versus the high density system.

Shari Calnero has been hired as a temporary attorney. The Commission has collected resumes from approximately 100 investigators and 50 attorneys which will be presented to the Executive Director for review and consideration.

After consultation with the Chair and the Administration Committee, John Milgrim has been hired to fill an existing open position item.

The staff have been working on reducing the late filing fee backlog. Over 300 notices have been sent assessing late filing fees to lobbyists that have filed late bimonthly reports and clients filing late semi-annual reports. An additional 100 notices will be sent out over the next two weeks to clean up the remaining backlog.

Chapter 399 includes a new requirement to collect information on lobbyist's business relationships. We have launched modifications to the on-line lobbying application and to the paper forms to collect this information. Program staff has received questions from the lobbying community for further guidance on this new section of the law. These questions will be forwarded to the legal staff and the new Executive Director.

Commissioner Batra inquired about obtaining more efficient space and suggested that the Commission should consider having offices in Buffalo or New York City. He added, however, that any locations retained by the Commission have the appropriate space and the decorum in which to conduct JCOPE business.

Commissioner Batra inquired why the fines are expected to double next year. Jeannine Clemente indicated that the income would double not because of the fines, but as a result of lobbyist registration fees. The lobbyist registration fee is a biennial filing which covers a two year period. The first year of registration requires a \$200 registration fee. If a lobbyist does not register until the second year, the fee is pro rated to \$100. The Commission collects most registration fees in the first year of the biennial period which will occur December 15, 2012. Most registrations are filed between mid-December through February during the first year.

Chair DiFiore thanked Jeannine Clemente and Commissions Bulgaro, Weissman and Hormozi of the Administration Committee.

Chair DiFiore introduced Ellen N. Biben, the new Executive Director and noted that over the last few weeks, she has worked very hard in order to familiarize herself with the law and the work of the Commission. She has also familiarized herself with the current organizational structure and staff as well as the organizational and staffing needs as the Commission moves forward. Chair DiFiore announced that today Executive Director Ellen N. Biben will present to

the Commission for its consideration a staffing plan which is required by the statute.

Executive Director Ellen N. Biben made an opening statement. Following Executive Director Ellen N. Biben's statement, Commissioner Batra welcomed her and asked her to preserve and protect the Commission's independence and impartiality and honor the constitutional separation of powers.

DELEGATION OF AUTHORITY-JCOPE RESOLUTION 12-02

Chair DiFiore presented and discussed JCOPE Resolution 12-02 pertaining to the delegation of authority to the Executive Director, Ellen N. Biben. Upon motion made by Commissioner Horwitz, seconded by Commissioner Hormozi, JCOPE Resolution 12-02 was approved by unanimous vote with an amendment authorizing the Executive Director to perform any and all tasks necessary and proper to fully effectuate the intentions of the resolution.

V. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS LAW §105(1)(f)

A motion to enter into Executive Session pursuant to Public Officers Law §105(1)(f) was made by Commissioner Batra, seconded by Commissioner DeIorio and was approved by unanimous vote.

VI. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chair DiFiore reported that the Commission unanimously voted to implement the staffing plan that contemplates a statewide presence. Going forward, the details of the plan will be refined as necessary by the Commission working through the Administration Committee.

VII. MOTION TO ADJOURN THE PUBLIC MEETING

Upon motion made by Commissioner Covello, seconded by Commissioner Bulgaro, the Public Meeting was adjourned by unanimous vote.