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**MINUTES OF COMMISSION MEETING
PUBLIC SESSION**

**April 8, 2010
10:30 A.M.
540 Broadway
Albany, New York**

Present:

Chairman: Michael G. Cherkasky

Members: Virginia M. Apuzzo
John M. Brickman
Andrew G. Celli, Jr.
Richard D. Emery
James P. King
Steven C. Krane
John T. Mitchell
Joseph A. Spinelli

Staff: Barry Ginsberg, Executive Director
Ralph P. Miccio, Special Counsel
Deborah Novak, Confidential Assistant
Shari Calnero, Associate Counsel
Carol Mirabelli, Confidential Assistant – Internal Control Officer

I. OPENING STATEMENT

The meeting was opened by Chairman Michael Cherkasky. The Chairman announced that Commissioner David L. Gruenberg has resigned from the Commission to work for the New York State Senate. He wished him the best and

noted that he will be missed. Recently, the Honorable James P. King was honored at Albany Law School for his lifetime achievement in public service.

II. MINUTES – PUBLIC SESSION – FEBRUARY 22, 2010

Upon motion made by Commissioner Spinelli, seconded by Commissioner Emery, the Minutes from the Public Session of the February 22, 2010 Commission Meeting were approved by unanimous vote.

III. EXECUTIVE DIRECTOR’S REPORT

Chairman Cherkasky complimented staff for impressive statistics in the report and thanked staff for doing good work.

The Commission received an Achievement Award from the State Employees Federated Appeal for achieving 80% increase in employee contributions this year from the previous year. Linda Woytowich deserves credit for her work on the campaign and all Commission staff for their generosity.

With no FY 2010-2011 budget in place, the Commission may not incur expenses for certain non-personnel services items, which will potentially impact our operations if extended over the long term.

The Annual State Ethics Officer’s Association Meeting took place a week ago with over 100 Ethics Officers in attendance from throughout the state. The Commission received extremely positive feedback. The cost was less than \$1.00 per person.

The new Financial Disclosure System will be rolled out by the May 15th deadline. This will be a much more user friendly system.

Special Counsel Ralph Miccio recently submitted a chapter on Municipal Lobbying that will be in a book published by the New York State Bar Association on local government laws in general. He will also be talking to a class at Siena College about these same issues.

IV. INTERNAL CONTROL PROGRAM

Confidential Assistant and head of the Internal Control Program, Carol Mirabelli, provided an overview of the Commission's Internal Control Program.

V. LEGISLATION UPDATE

There were two laws passed that directly affect the work of the Commission. The first was passed last year, Chapter 306 of the Laws of 2009, which is the so-called Layoff Bill. We have prepared instruction to the Ethics Officers on how to deal with layoffs under this new law, should they occur. Chapter 1 of the Laws of 2010 amended Public Officers Law §74(3)(d), to make it clear that it is a violation to use State resources, including equipment or personnel, for personal business.

VI. RULEMAKING UPDATE

Associate Counsel Shari Calnero presented and discussed further amendments to Parts 930 and 931, which had been published in a Notice of Proposed Rulemaking on November 25, 2009. After discussion and upon motion made by Commissioner Celli, seconded by Commissioner Spinelli, these revisions to Parts 930 and 931 were approved and staff was directed to commence the Revised Rulemaking process. Commissioner Krane was opposed.

Associate Counsel Shari Calnero presented and discussed amendments to Part 932. As in the existing rule, the amended Part 932 prohibits unpaid and per diem policymakers from serving as an officer, director or board member of any political party or political organization, and from serving as a member of any political party committee. After discussion and upon motion made by Commissioner Brickman, seconded by Commissioner Celli, further rulemaking action on Part 932 is to be held in abeyance until further analysis of these prohibitions is presented. Commissioner Mitchell was opposed.

Associate Counsel Shari Calnero presented and discussed proposed amendments to Part 935. After discussion and upon motion made by Commissioner Brickman, seconded by Commissioner Celli, Resolution No. 10-05 was unanimously approved, directing the amended Part 935 to be submitted to the Department of State in a Notice of Proposed Rulemaking.

Associate Counsel Shari Calnero presented and discussed proposed amendments to Part 936. After discussion and upon motion made by Commissioner Celli, seconded by Commissioner Spinelli, Resolution No. 10-06 was unanimously approved, directing the amended Part 936 to be submitted to the Department of State in a Notice of Proposed Rulemaking.

VII. MOTION TO ENTER CLOSED SESSION PURSUANT TO EXECUTIVE LAW §94(17)(b) AND TO ENTER INTO EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS LAW §105(1)(d)

A motion to enter into Closed Session pursuant to Executive Law §94(17)(b), and then into Executive Session pursuant to Public Officers Law §105(1)(d), was made by Commissioner Mitchell, seconded by Commissioner Spinelli, and approved by unanimous vote.

VIII. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chairman Cherkasky announced the following actions taken during Executive Session: The Commission agreed to a series of settlements with Powers and Company lobbyist for Lincoln Center, Powers & Company, lobbyists for Bearing Point, Wolf Block Public Strategies, lobbyist for Food Allergy Initiative, Sheinkopf Ltd., Michael Israel, President of Westchester County Health Care Corporation and Brady & Co.

IX. MOTION TO ADJOURN THE PUBLIC MEETING

Upon motion made by Commissioner Apuzzo, seconded by Commissioner Emery, the Public Meeting was adjourned by unanimous vote.

Respectfully submitted,

A handwritten signature in blue ink that reads "Barry Ginsberg". The signature is written in a cursive style with a long, sweeping underline.

Barry Ginsberg
Executive Director