

MICHAEL G. CHERKASKY
CHAIRMAN

VIRGINIA M. APUZZO
JOHN M. BRICKMAN
ANDREW G. CELLI, JR.
RICHARD D. EMERY
DAVID L. GRUENBERG
HON. JAMES P. KING
STEVEN C. KRANE
HON. HOWARD A. LEVINE
LORETTA E. LYNCH
JOHN T. MITCHELL
JOSEPH A. SPINELLI
MEMBERS



NEW YORK STATE
COMMISSION ON PUBLIC INTEGRITY

540 BROADWAY
ALBANY, NEW YORK 12207
www.nyintegrity.org

BARRY GINSBERG
EXECUTIVE DIRECTOR

PHONE: (518) 408-3976
FAX: (518) 408-3975

**MINUTES OF COMMISSION MEETING
PUBLIC SESSION**

**December 10, 2009
10:30 A.M.
540 Broadway
Albany, New York**

Present:

Chairman: Michael G. Cherkasky

Members:
Daniel R. Alonso
Virginia M. Apuzzo
John M. Brickman
Richard D. Emery
David L. Gruenberg
James P. King (Telephonically)
Steven C. Krane
John T. Mitchell

Staff:
Barry Ginsberg, Executive Director
Theresa Schillaci, Special Counsel
Ralph P. Miccio, Special Counsel
Deborah Novak, Confidential Assistant

I. OPENING STATEMENT

The meeting was opened by Chairman Michael Cherkasky thanking Commissioners and staff for their work at the Commission this year.

II. MINUTES – PUBLIC SESSION – OCTOBER 22, 2009

Upon motion made by Commissioner Mitchell, seconded by Commissioner Emery, the Minutes from the Public Session of the October 22, 2009 Commission Meeting were approved by unanimous vote.

III. EXECUTIVE DIRECTOR'S REPORT

Executive Director Barry Ginsberg provided an overview of the Executive Director's Report, highlighting the increased use of electronic communications and electronic documents as well as making sure the Commission has adequate business continuity and disaster recovery plans in place. Such plans are more important than ever with less paper back-up. The Commission is planning two half-day conferences early in the Spring of 2010. One session is for the Lobbying community and another session for the State Ethics Officers Association. The Commission is also considering changes to its website that would enable Ethics Officers to ask questions of one another and share information and solutions. As of the middle of November, the Commission, through fees and penalties, has contributed approximately \$400,000 into the State General Fund.

IV. LEGISLATIVE PROPOSALS UPDATE

Executive Director Barry Ginsberg presented and discussed the staff's updated Legislative Proposals. The sub-committee consisting of Commissioners Brickman and Celli worked with staff to process comments from the public and the Commissioners. Most proposals have not been changed. Comments were received on the definition of lobbying and widely attended gatherings. The Chairman requested the sub-committee continue to work with staff on Legislative Proposal 1a, concerning the definition of lobbying. Upon motion made by Commissioner Apuzzo, seconded by Commissioner Alonso, Legislative Proposals 2, 3a, 4, 5 and 6 were approved by unanimous vote.

V. INTERPRETATION OF LOBBYING ACT

Special Counsel Ralph P. Miccio presented and discussed the draft of an Advisory Opinion interpreting Lobbying Act §1-c(c)(F) which does not exempt a lobbyist retained by a church for the purposes of local lobbying or a church who retains a lobbyist for such lobbying activity from registration and reporting requirements. Upon motion made by Commissioner Alonso, seconded by Commissioner Emery, the Advisory Opinion was approved by unanimous vote.

VI. MOTION TO ENTER INTO EXECUTIVE SESSION

A motion to enter into Executive Session was made by Commissioner Mitchell, seconded by Commissioner Emery, pursuant to Public Officers Law §105(1)(d) and (f) of the Open Meetings Law, was approved by unanimous vote.

VII. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chairman Cherkasky discussed penalties for widely attended events. The Commission intends to impose more substantial penalties for events occurring in 2010. For events occurring in 2008/2009, the Commission will continue to impose a \$250 fine as it has done in the past. The Commission will notify the lobbying community by postings and e-mail blasts of the change in policy.

VIII. QUESTIONS FROM THE PUBLIC

The Chairman welcomed questions from the public. David Grandeau asked for clarification on widely attended events and inquired about Notices of Reasonable Cause posted on the Commission's website.

**IX. MOTION TO ADJOURN THE PUBLIC MEETING AND ENTER CLOSED SESSION
PURSUANT TO EXECUTIVE LAW §94(17)(b)**

Upon motion made by Commissioner Krane, seconded by Commissioner Apuzzo, the public portion of the meeting was adjourned by unanimous vote to continue with the Closed Session, pursuant to Executive Law §94(17)(b).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Barry Ginsberg". The signature is fluid and cursive, with the first name "Barry" being more prominent than the last name "Ginsberg".

Barry Ginsberg
Executive Director