

**MINUTES OF THE PUBLIC SESSION OF THE  
SEPTEMBER 27, 2016  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
HELD AT THE COMMISSION'S OFFICE LOCATED AT  
540 BROADWAY  
ALBANY, NEW YORK**

**Chair:** Daniel J. Horwitz (NYC)

**Members:**

Marvin Jacob (Webex)  
Seymour Knox, IV (ALB)  
Hon. Eileen Koretz (NYC)  
Gary J. Lavine (Webex)  
Hon. Mary Lou Rath (BUF)  
David A. Renzi (Webex)  
Michael A. Romeo, Sr. (Webex)  
Hon. Renee R. Roth (NYC)  
Michael K. Rozen (Webex)  
Dawn L. Smalls (NYC)  
George H. Weissman (ALB)

**Members**

**Absent:**

**Staff:**

Seth H. Agata, Executive Director  
Monica J. Stamm, General Counsel  
Stephen J. Boland, Director of Administration  
Martin L. Levine, Director of Lobbying and Senior Counsel  
Walter J. McClure, Director of Communications and Public Information Officer  
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement  
Emily A. Logue, Deputy Director of Investigations and Enforcement  
Patrick E. Coultry, Chief Investigator  
Terence Mulderrig, Senior Investigator  
Peter J. Smith, Investigator  
Erin R. Lynch, Associate Counsel  
Stephanie Blattmachr, Associate Counsel  
Carol C. Quinn, Deputy Director of Lobbying Guidance  
Michael Sande, Deputy Director of Ethics Guidance  
Leah Ramos, Deputy Director of Financial Disclosure Compliance  
Lori Donadio, Investigative Analyst  
Deborah Novak, Secretary to the Commission

**I. CALL TO ORDER**

Chair Horwitz called the September 27, 2016 Commission Meeting to order.

**II. APPROVAL OF MINUTES – PUBLIC SESSION**

**August 9, 2016**

A motion was made by Commissioner Roth, which was seconded by Commissioner Koretz, to approve the Minutes from the Public Session of the August 9, 2016 Commission Meeting. The motion was approved by unanimous vote.

**III. REPORT FROM STAFF**

**Hiring Update**

Executive Director Seth Agata stated that since the Commission’s last meeting when the restructuring of JCOPE was approved, several counsel and audit positions were filled. Additional positions for communications assistant, auditor, and filing specialists have been posted and are in the process of being filled.

**FDS Compliance Update**

Deputy Director of Financial Disclosure Compliance Leah Ramos explained that Staff is working through the compliance process for the financial disclosure statements filed by state employees, legislative members and staff, candidates for office, and other state officers and officials. This is the first year that compliance is being handled through the new online filing system. Confidential “failure to file notices” were recently sent to state employees who did not file their statements in May. Those filers are provided with the opportunity to submit their statements. The next step, if necessary, is to send a “Notice of Delinquency,” which is required to be made publicly available under the Public Officers Law. Confidential “failure to file notices” were also sent to candidates for office this year, followed by Notices of Delinquency where necessary. The list of delinquent filings is posted on the Commission’s website. To the extent required, staff will follow up on failures to file through the enforcement process.

### **2017-18 Budget**

Executive Director Agata explained that the Commission is waiting for the call letter from the Division of the Budget (DOB) for the 2017-2018 State Fiscal Year Budget. In anticipation of the call letter, the Commission's needs are being reviewed by Director of Administration Stephen Boland. It is anticipated that the letter will be received soon. A meeting will be scheduled with the management committee to discuss JCOPE's budget proposal before submitting it to DOB.

### **Status of Emergency Regulations**

Executive Director Agata stated that in accordance with the August meeting, and the directives of the Commission, the regulations for Source of Funding, as well as the combined Adjudicatory Proceedings and Appeals Regulations have been posted on both our website and in the State Register. Public comments are due October 29, 2016, just after the October meeting. Those comments will be taken into account and the final regulations will be presented to the Commission at the November meeting for its consideration and final approval.

### **Plan for development of Lobbying Act Regulations**

Executive Director Agata stated that staff is in the process of developing the first set of comprehensive regulations to provide clear guidance to the regulated community, drawing from the existing guidelines and agency precedent for the Commission's eventual consideration. This goes hand in hand with the agency's structural reorganization which was authorized at the last meeting that created a separate lobbying "division" with guidance and filings under a single Director of Lobbying. The reorganization chart is posted on the Commission's website.

Staff is also in the process of redesigning its lobbying application to facilitate the collection, analysis and dissemination of lobbying information. Since influence over government is growing, and there is record spending on lobbying, the Commission is taking a proactive measure to address regulatory issues and provide guidance on issues that haven't been addressed previously including social media. This process will be more

open and transparent than required by law through the State Administrative Procedure Act (SAPA). Staff suggests posting staff's draft of the regulations within the next couple of weeks, seeking informal comments from the public, good government groups, the regulated community for a period of several months, and then conducting a public hearing on those regulations. After considering public comments, the proposed regulations will be presented to the Commission in logical segments to determine, whether any or all of these regulations will be formally promulgated through the SAPA process. The SAPA process then allows for further public comment and from that process, the Commission would develop and finalize regulations.

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

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

**V. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION**

Chair Horwitz announced that, during the Executive Session, pursuant to Executive Law §94(19)(b), the Commission received an update on a number of litigation matters from counsel, considered and authorized a request by the staff to contact certain state agencies regarding delinquent FDS filings, considered and approved two requests pursuant to Public Officers Law §73(8-b), and considered and approved two settlements of Substantial Basis Investigations. The Commission also considered and opened four new Substantial Basis Investigations, considered and closed three matters but authorized staff to provide guidance to the subjects of those investigations, and closed four investigative matters. The Commission received an update from staff on six open investigative matters and the Commission considered and resolved to give the staff authority to take certain investigative actions including the issuance of 15 day letters regarding possible investigations and to supplement additional 15 day letters that the Commission has already issued. A number of other possible investigative matters were also considered.

**VI. MOTION TO ADJOURN THE PUBLIC MEETING**

A motion was made by Commissioner Rath, which was seconded by Commissioner Weissman, to adjourn the Public Meeting. The motion was approved by unanimous vote of Chair Horwitz and Commissioners Jacob, Knox, Koretz, Lavine, Rath, Renzi, Romeo, Smalls and Weissman. Commissioners Roth and Rozen were not present for the motion.