

**MINUTES OF THE PUBLIC SESSION OF THE  
OCTOBER 26, 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 (ALB)

**Members:**

Marvin Jacob (NYC)  
Seymour Knox, IV (ALB)  
Hon. Eileen Koretz (NYC)  
Gary J. Lavine (Webex)  
J. Gerard McAuliffe, Jr. (ALB)  
Hon. Mary Lou Rath (BUF)  
David A. Renzi (ALB)  
Hon. Renee R. Roth (NYC)  
Michael K. Rozen (*via* Telephone)  
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

**I. CALL TO ORDER**

Chair Horwitz called the October 26, 2016 Commission Meeting to order. Chair Horwitz welcomed Commissioner Gerard McAuliffe and thanked Michael Romeo, who resigned last week, for his service.

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

**September 27, 2016**

A motion was made by Commissioner Weissman, seconded by Commissioner Renzi, to approve the Minutes from the Public Session of the September 27, 2016 Commission Meeting. The vote on the motion was 10-0-1. Chair Horwitz, and Commissioners Jacob, Knox, Koretz, Lavine, Rath, Roth, Renzi, Smalls, and Weissman voted in favor of the motion. Commissioner McAuliffe abstained from voting because he was not present at the September 27, 2016 Commission Meeting.

**III. REPORT FROM STAFF**

**Second Quarter Financial Report**

Director of Administration Stephen Boland stated that for the second quarter ending September 30, 2016, \$862,245 was expended for personal service, with a year to date total of \$1,845,187, which is 41.7% of the cash budget for personal service. The total non-personal service expended was \$341,980, which includes supplies at \$14,000, equipment at \$750, travel at \$5,400, and contractual services just above \$315,000. Of the contractual services, \$174,000 relates to litigation costs incurred through the end of the second quarter. The year to date total for non-personal services is \$561,000, which is just over 50% of the cash budget for non-personal service.

**2017-18 Budget Proposals**

Executive Director Seth Agata advised that the Management Committee had a meeting to discuss the Commission's budget proposal after which the Commission submitted its budget request. Consistent with last year's request, there is no increase. The budget request takes into account future hires. Staff will provide further updates over the course of the budgeting process.

### **Update on Outreach Activities**

Executive Director Agata reported on various outreach activities in which staff has been engaged. An Ethics Officer Forum is scheduled on November 14<sup>th</sup>, to meet with all ethics officers at state agencies to discuss items of interest. The mid-year lobbying report will be published within the next few weeks. Staff has been preparing for the filings of the academic Financial Disclosure Statements which are due mid-November.

### **Update on Staff Draft of Comprehensive Lobbying Regulations**

Executive Director Agata provided an update on the draft Comprehensive Lobbying Regulations, which are posted on the Commission's website. The Commission has received requests from practitioners for walk-throughs on the lobbying regulations. Part of the process is soliciting and considering ideas, recommendations, and suggestions from outside the Commission. Staff will summarize those ideas and present them to the Commission. Executive Director Agata reported that last Friday he participated in a CLE panel at the Wagner School at NYU, presented by City & State, and a good portion of that presentation was on the lobbying regulations. Some presenters were pleased that the Commission is putting forth regulations rather than opinions. There was interest expressed by good government groups to learn more about the regulations as the Commission continues with the comment process. A public hearing is scheduled in New York City on Wednesday, December 7, 2016 at the Federal Post Office, 90 Church Street. Hearing information is also posted on the Commission's website, and it will also be webcast live. Some Commissioners will be attending, and it is hoped that it will produce comments, suggestions, criticism, and compliments which will then be compiled for the Commission's consideration. Staff has held meetings with individuals and has received comments which are also being collected and digested to assist the Commission's review.

## **IV. NEW AND OTHER BUSINESS**

### **PROPOSED MEETING SCHEDULE – JANUARY THROUGH JUNE 2017**

Chair Horwitz stated that the proposed meeting schedule was distributed to the Commissioners. Due to a conflict in May, the proposed date for the May meeting will be

moved to a date a week earlier. Chair Horwitz encourages the Commissioners to review the schedule and advise staff if there are any additional conflicts, so that the schedule can be finalized.

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

A motion was made by Commissioner Renzi and seconded by Commissioner Knox to enter into Executive Session pursuant to Executive Law §94(19)(b). The motion was approved by unanimous vote of Chair Horwitz, and Commissioners Jacob, Knox, Koretz, Lavine, McAuliffe, Rath, Roth, Renzi, Smalls, and Weissman.

**VI. 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 litigation matters from counsel, discussed various personnel matters, approved the Decision and Notice of Civil Assessment in the Hearing in the matter of State Advisers, LLC, considered and approved a Substantial Basis Investigation and a Substantial Basis Investigation Report and Settlement Agreement. The Commission received updates from staff on several open investigative matters and adjourned certain decisions in those matters. The Commission authorized staff to communicate with outside parties regarding a number of open investigations. The Commission considered and closed three matters with instructions to send guidance letters.

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

A motion was made by Commissioner Weissman, seconded by Commissioner Knox, to adjourn the Public Meeting. The motion was approved by unanimous vote of Chair Horwitz, and Commissioners Jacob, Knox, Koretz, Lavine, McAuliffe, Rath, Roth, Renzi, Smalls, and Weissman.