

**MINUTES OF THE PUBLIC SESSION OF THE
FEBRUARY 17, 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 (Webex)
Seymour Knox, IV (ALB)
Hon. Eileen Koretz (Webex)
Gary J. Lavine (Webex)
Hon. Mary Lou Rath (Telephone)
David A. Renzi (Webex)
Hon. Renee R. Roth (NYC)
Michael K. Rozen (Webex)
Dawn L. Smalls (NYC)
George H. Weissman (ALB)

Members

Absent: David Arroyo
Hon. Joseph Covello
Michael A. Romeo, Sr.

Staff:

Monica J. Stamm, General Counsel
Kevin T. Gagan, Chief of Staff
Martin L. Levine, Director of Lobbying and Financial Disclosure Compliance and
Senior Counsel
Stephen Boland, Director for Administrations
Walter J. McClure, Director for External Affairs
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement
Emily A. Logue, Investigative Counsel
Leah Ramos, Associate Counsel
Stacey Hamilton, Manager of Education Program and Special Counsel
Carol Quinn, Associate Counsel
Patrick E. Coultry, Chief Investigator
Terence Mulderrig, Senior Investigator
Lori Donadio, Confidential Legal Assistant
Deborah Novak, Executive Assistant

I. CALL TO ORDER

Chair Horwitz called the February 17, 2016 Commission Meeting to order.

II. REPORT FROM STAFF

Proposed Plan for Developing Comprehensive Lobbying Regulations

Director of Lobbying and Financial Disclosure Compliance and Senior Counsel, Martin Levine explained that as the Commission had previously discussed, staff has proposed developing comprehensive lobbying regulations, a substantial undertaking that will extend into 2017. In the interim, staff has presented individual legal issues for consideration by the Commission, using mechanisms such as Advisory Opinions to provide guidance on discrete topics on an ongoing basis. Last month the Commission issued an Advisory Opinion on consulting activities and staff subsequently published a series of Frequently Asked Questions to further explain the opinion. Last week staff held a series of roundtable discussions with members of the regulated community, including lobbyists, clients and good government groups, on the subject of lobbying through social media. Those sessions were productive and will aid in developing future guidance. Staff plans to bring the Commission a draft Advisory Opinion on social media at a future meeting.

The process for developing comprehensive regulations is extensive. Currently, staff is in the research and drafting phase, which includes researching rules of other states. Staff anticipates bringing the first draft of the regulations to the Commission this summer and then putting it out for public review and informal comment. The goal is that after the Commission has had time to review the draft regulations and feedback from the public, but before the end of 2016, the Commission would approve a set of regulations and commence a formal rulemaking under the State Administrative Procedure Act. The regulations would then be published in the State Register and subject to a 45-day public comment period.

Commissioner Jacob asked whether these comprehensive regulations would address the issues that were covered in the recent Advisory Opinion dealing with consulting and grassroots lobbying. Director Levine explained that the plan is to incorporate that opinion and any others that are issued between now and when the regulations are presented, keeping in mind that the guidance will be effective during the rulemaking process, which will likely go into 2017.

General Counsel Monica Stamm advised that with respect to the two roundtable sessions on social media, staff will be posting on the website a summary of the issues that were discussed, as well as who attended, as the Commission has done in the past.

III. SEARCH FOR EXECUTIVE DIRECTOR

Chair Horwitz explained that the Commission has continued the search for an Executive Director. Since the last meeting, the full Commission has met with some candidates, and the search is ongoing. An additional candidate is scheduled to meet with the Commission. The discussion, as it relates to particular candidates, will be taken up, if need be, in Executive Session.

IV. NEW AND OTHER BUSINESS

There was no new business.

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

A motion was made by Commissioner Knox and seconded by Commissioner Lavine to enter into Executive Session pursuant to Executive Law §94(19)(b). The motion was approved by unanimous vote of those Commissioners present.

VI. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Commissioners Renzi, Roth, and Rozen were not present for the remainder of the meeting.

Chair Horwitz announced that, during the Executive Session, pursuant to Executive Law §94(19)(b), the Commission considered a number of investigative matters, approved the opening of an investigation, authorized staff to send a guidance letter and authorized staff to communicate with an agency regarding a matter. The Commission also took up a number of personnel issues.

- VII.** A motion was made by Commissioner Weissman, which was seconded by Commissioner Knox, to adjourn the Public Meeting. The motion was approved by unanimous vote of those Commissioners present.