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HON. HOWARD A. LEVINE  
JOHN T. MITCHELL  
MARK G. PETERS  
MEMBERS

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COMMISSION ON PUBLIC INTEGRITY

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**MINUTES OF COMMISSION MEETING  
PUBLIC SESSION**

**December 9, 2010  
10:30 A.M.  
540 Broadway  
Albany, New York**

**Present:**

**Chairman:** Michael G. Cherkasky

**Members:**

Virginia M. Apuzzo  
John M. Brickman  
George F. Carpinello  
Richard D. Emery  
Howard A. Levine  
John T. Mitchell  
Mark G. Peters  
Joseph A. Spinelli

**Staff:**

Barry Ginsberg, Executive Director  
Theresa A. Schillaci, Special Counsel  
Ralph P. Miccio, Special Counsel  
Shari Calnero, Associate Counsel  
Deborah L. Novak, Confidential Assistant

**I. OPENING STATEMENT**

The meeting was opened by Chairman Michael G. Cherkasky.

**II. 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 Spinelli, seconded by Commissioner Levine, and approved by unanimous vote.

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

None

**IV. MINUTES – PUBLIC SESSION – OCTOBER 14, 2010**

Upon motion made by Commissioner Emery, seconded by Commissioner Spinelli, the Minutes from the Public Session of the October 14, 2010 Commission Meeting were approved by unanimous vote.

**V. EXECUTIVE DIRECTOR’S REPORT**

Executive Director Barry Ginsberg provided an overview of the Executive Director’s Report and announced the opinion finder has been fully restored on the Commission’s website.

**VI. 2011 LEGISLATIVE PROPOSALS**

Executive Director Barry Ginsberg presented and discussed the staff’s 2011 Legislative Proposals. Upon motion made by Commissioner Levine, seconded by Commissioner Peters, including a suggestion that Proposal No. 3 should be modified so that the “reasonable inference of an intent to influence” qualifier is removed from Legislative Law §1-m and Public Officers Law §73(5) and added as an additional “catch all” exception to the definition of gift in Legislative Law §1-c(j) as an affirmative defense in an enforcement proceeding, the legislative proposals were approved by unanimous vote.

**VII. DRAFT POLICYMAKER REGULATIONS**

Associate Counsel Shari Calnero presented and discussed the draft policymaker regulations. Upon motion made by Commissioner Emery and seconded by Commissioner Carpinello, staff was asked to develop a new legislative proposal to eliminate the threshold filing requirement for financial disclosure. The motion was approved by unanimous vote.

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

Chairman Michael G. Cherkasky announced his intention to resign effective January 1, 2011 and made a public statement.

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

Respectfully submitted,



Barry Ginsberg  
Executive Director