

**MINUTES OF THE PUBLIC SESSION OF THE  
DECEMBER 9, 2014  
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

**Members:** Paul Casteleiro  
Hon. Joseph Covello  
Marvin Jacob  
Seymour Knox, IV  
Gary J. Lavine  
Hon. Mary Lou Rath  
David A. Renzi  
Michael A. Romeo, Sr.  
Hon. Renee R. Roth  
George Weissman

**Members**

**Absent:** David Arroyo

**Staff:**

Letizia Tagliafierro, Executive Director  
Monica J. Stamm, Chief of Staff and Deputy Counsel  
John T. Milgrim, Director for External Affairs  
Stephen J. Boland, Director for Administration  
Martin L. Levine, Director of Lobbying and Financial Disclosure Compliance and  
Senior Counsel  
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement  
Robert Cohen, Special Counsel and Director of Ethics and Lobbying Compliance  
Shari Calnero, Senior Counsel and Manager of Training  
Lou Manuta, Associate Counsel  
Michael Sande, Associate Counsel  
Patrick E. Coultry, Chief Investigator  
Terence Mulderrig, Senior Investigator  
Peter Smith, Confidential Investigator  
Lori Donadio, Confidential Legal Assistant  
Deborah Novak, Executive Assistant

**I. CALL TO ORDER**

Chair Horwitz called the December 9, 2014 Commission Meeting to order.

Chair Horwitz stated that, due to the short time frame between this meeting and the last meeting, the Commission will not discuss the November 25<sup>th</sup> minutes until the next meeting of the Commission.

**II. REGULATIONS AND GUIDELINES**

**Proposed Amended Outside Activity Regulations**

Executive Director Letizia Tagliafierro explained that part of JCOPE's mandate is to conduct a review of the regulations under JCOPE's jurisdiction. Over the last several weeks, staff has been reassessing the outside activity regulations contained in Part 932, including holding a forum with ethics officers from State agencies. The outside activity regulations were passed in 1990 and apply to statewide elected officials and individuals who have been designated as policy makers by their agency, commission, or authority. The regulations are intended to facilitate compliance with the Public Officers Law, particularly Section 74.

Executive Director Tagliafierro explained that based on JCOPE's preliminary review and questions received periodically from ethics officers, staff is proposing that the Commission consider some changes to the regulations in order to clarify certain provisions and increase oversight in specific areas. Executive Director Tagliafierro highlighted some of the proposed changes, including a new requirement that service as a board member of a not-for-profit corporation be disclosed to an agency's ethics officer, as such a role has the potential to generate a conflict of interest. In addition, staff recommends that any individual who receives approval to engage in an outside activity must continue to inform his agency, on an annual basis, if he or she is still engaged in the outside activity. The proposed changes also include clarifications of the existing restrictions on engaging in political activities. Staff recommends some technical changes such as increasing the threshold compensation level for requiring JCOPE approval of outside activities.

Executive Director Tagliafierro stated that staff intends to post the proposed changes on JCOPE's website for public comment.

Commissioner Casteleiro stated that he would like to receive materials more than one week before a meeting to give him time to review and understand them. Because he had inadequate time to review the materials, Commissioner Casteleiro suggested the matter be adjourned to the next meeting. Chair Horwitz explained that, while Commissioner Casteleiro's point is well taken, and staff will make every effort to get materials to Commissioners earlier, at this meeting, no action is required by the Commission. Similar to the process followed with other regulations, this is an informal pre-SAPA process to gain input from the community before the Commission votes on initiating a rulemaking proceeding. Chief of Staff and Deputy Counsel Monica Stamm advised that JCOPE successfully used this same process with the public service announcement regulations, as well as other regulations, in order to generate a dialogue with the community that deals with these issues on a day-to-day basis, and thereby engage in a more meaningful discussion with the Commissioners before voting on proposed regulations. There was a consensus among the Commissioners about this approach, and it was suggested that the regulations be posted in a format that clearly identified staff's proposed changes.

**III. NEW AND OTHER BUSINESS**

There was no new business.

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

A motion was made by Commissioner Covello, which was seconded by Commissioner Roth, 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, the Commission discussed several investigative matters, including the approval of several settlements for failure to file annual financial disclosure statements and commencement of substantial basis investigations.

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

A motion was made by Commissioner Rath, which was seconded by Commissioner Covello, to adjourn the Public Meeting. The motion was approved by unanimous vote of the Commissioners.