

**MINUTES OF THE PUBLIC SESSION OF THE  
JANUARY 30, 2018  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
HELD AT  
540 BROADWAY  
ALBANY, NEW YORK**

**Acting Chair:** Michael K. Rozen (WebEx)

**Members:** Robert Cohen (NYC)  
James E. Dering (ALB)  
Marvin Jacob (WebEx)  
Seymour Knox, IV (BUF)  
Gary J. Lavine (WebEx)  
J. Gerard McAuliffe, Jr. (ALB)  
Barry C. Sample (WebEx)  
Dawn L. Smalls (NYC)  
George H. Weissman (WebEx)  
James A. Yates (ALB)

**Members**

**Absent:** None

**Staff\*:** Monica J. Stamm, General Counsel  
Martin L. Levine, Deputy General Counsel  
Andrew Bechard, Director of Lobbying  
Stephen J. Boland, Director of Administration  
Walter J. McClure, Director of Communications and Public Information Officer  
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement  
Carol Quinn, Deputy Director of Lobbying  
Emily A. Logue, Deputy Director of Investigations and Enforcement  
Stephanie Blattmachr, Deputy Director of FDS  
Michael Sande, Deputy Director of Guidance  
Meghann Hennigan-Cohen, Deputy Director of Education  
Erin Lynch, Associate Counsel  
Patrick E. Coultry, Chief Investigator  
Peter J. Smith, Investigator  
Richard Coraggio, Investigator  
Lori Donadio, Principal Investigative Analyst  
Katherine Santandrea, Secretary to the Commission

\*Executive Director Agata was not present for the January 30, 2018 meeting

**I. CALL TO ORDER**

Chair Rozen called the January 30, 2018 Commission meeting to order.

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

**December 19, 2017**

A motion was made by Commissioner McAuliffe, seconded by Commissioner Yates, to approve the minutes from the Public Session of the December 19, 2017 Commission Meeting. The motion was approved by unanimous vote. Commissioner Cohen was not present for the vote.

**III. REPORT FROM STAFF**

**Third Quarter Financial Report**

Director for Administration Stephen Boland stated that the total SFY 2017-2018 cash allowance is \$4,620,000 for personal service and \$911,000 for non-personal service, for a total of \$5,531,000. During the third quarter, cash disbursements for personal service were just over \$1,158,000, for a year-to-date total of \$3,413,000, or 74% of the cash allowance. For non-personal service, the Commission spent \$198,000, with a year-to-date total of \$516,000, or 57% of the cash allowance. In total, third quarter spending was \$1,157,000, and the year-to-date total was \$3,929,000, or 71% of the cash allowance. Without any unforeseen charges in the fourth quarter, the Commission will be within the budget.

**FY 2018-19 Executive Budget**

General Counsel Stamm updated the Commission on the Governor’s Proposed Fiscal Year 2018-19 Executive Budget. There were two proposals that directly affect JCOPE. The first, which was also included last year, was to have certain local officials file the State Financial Disclosure Statements with JCOPE. The second, which is new, is to add to Public Officers Law §74, the “Code of Ethics”, a provision that expressly includes allegations of sexual harassment by State officers and employees. That provision would include penalties and would require the creation of a unit within JCOPE to receive and investigate such allegations. The proposed budget appropriation is the same as the previous year, but the Commission was also asked to provide a proposal for additional resources

JCOPE would need for a new unit to handle sexual harassment complaints. Staff is currently working on the proposal. The “30-day Amendments” to the budget bills are due in mid-February. Commissioner Yates asked if the Commission takes a substantive stand on the merits of proposal. General Counsel Stamm explained that historically the Commission has not taken a position on these proposals. Commissioner Weissman asked if the proposal for the requirement of filing Financial Disclosure Statements by local officials was tied to the jurisdictions in which the Commission regulates lobbying, or for all local officials. General Counsel Stamm stated that it is for local officials who hold certain positions or who make over the threshold amount, but is not tied to the Commission’s jurisdiction under the Lobbying Act.

#### **Outreach Update**

Staff held a productive forum with Ethics Officers on Financial Disclosure Statements. It was well attended, and the Commission received a lot of positive feedback. Staff is considering conducting this forum on an annual basis to help Ethics Officers with the compliance at their agencies.

#### **IV. REGULATIONS**

##### **Proposed Comprehensive Lobbying Regulations**

Deputy General Counsel Martin Levine requested a motion to continue with the SAPA rulemaking process and put the regulations out for another round of public comments. The red-line version in the Commission packages, which has been posted to the public agenda on the website, reflects amendments that have been made since the original notice of rulemaking in August. While the Commission has discussed drafts between then and now, the red-line version that is posted on the website and provided in the Commission materials reflects the final changes between the original proposed rule-making and the Proposed Notice of Revised Rulemaking, which if approved, would commence a new 30-day notice and comment period. At the end of such period, the Commission could elect to formally adopt the regulations, or continue to make changes. A motion was made by Commissioner Dering, seconded by Commissioner Yates to submit a Notice of Revised Rulemaking. The

motion was approved by unanimous vote. Commissioner Cohen was not present for the vote.

**Amended FDS Exemption Regulations, FDS Client Disclosure Exemption Regulations, Adjudicatory Proceedings and Appeals Process Regulations, and FDS Extension of Time Regulations**

Deputy General Counsel Martin Levine stated that the Commission has previously issued a Notice of Proposed Rulemaking to amend the Financial Disclosure Statement Exemption-related Regulations. At the request of the Commission, a right of appeal was added for exemption requests that may be denied by the Executive Director in first instance. Staff submitted that rulemaking, and since then, additional changes have been made to reflect that exemptions can be submitted by individuals in their own capacity, or by agencies on a title-wide basis. Those regulations will have to continue through the rulemaking process; staff requests a motion to submit the Notice of Revised Rulemaking and Emergency Adoption so that the regulations will go into effect as soon as they are published, with time for the filing materials to be distributed to filers in April for the May filing.

A motion was made by Commissioner Dering, seconded by Commissioner Knox, to submit the Notice of Revised Rulemaking and Emergency Adoption. The motion was approved by unanimous vote. Commissioner Cohen was not present for the vote.

**V. NEW AND OTHER BUSINESS**

N/A

**VI. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW § 94(19)(B)**

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

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

General Counsel Stamm stated that during the Executive Session, the Commission commenced three Substantial Basis Investigations, authorized steps in several investigative matters, discussed several investigative matters and discussed litigation matters.

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

Upon motion made by Commissioner McAuliffe, seconded by Commissioner Yates, the Public Session was adjourned by unanimous vote.