

**MINUTES OF THE PUBLIC SESSION OF THE
MAY 27, 2015
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: David Arroyo (NYC)
Hon. Joseph Covello (ALB)
Marvin Jacob (NYC)
Seymour Knox, IV (ALB)
Gary J. Lavine (ALB)
Hon. Mary Lou Rath (BUF)
David A. Renzi (Webex)
Michael A. Romeo, Sr. (ALB)
Hon. Renee R. Roth (NYC)
Michael K. Rozen (Webex)
Dawn L. Smalls (NYC)
George Weissman (ALB)

Members

Absent: Paul Casteleiro

Staff:

Letizia Tagliafierro, Executive Director
Monica J. Stamm, Chief of Staff and Deputy Counsel
John T. Milgrim, Director for External Affairs
Steve Boland, Director for Administration
Martin L. Levine, Director of Lobbying and Financial Disclosure Compliance and
Senior Counsel
Robert Cohen, Special Counsel and Director of Ethics and Lobbying Guidance
Pei Pei Cheng-deCastro, Director of Investigations and Enforcement
Emily A. Logue, Investigative Counsel
Shari Calnero, Senior Counsel and Manager of Training
Michael Sande, Associate Counsel
Leah Ramos, 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 May 27, 2015 Commission Meeting to order.

II. APPROVAL OF MINUTES – PUBLIC SESSION

April 28, 2015

A motion was made by Commissioner Romeo, which was seconded by Commissioner Covello, to approve the minutes from the Public Session of the April 28, 2015 Commission Meeting. The motion was approved by unanimous vote. Commissioners Roth and Smalls were not present for approval of the minutes.

III. REPORT FROM EXECUTIVE DIRECTOR

Update on FDS Filings

Executive Director Letizia Tagliafierro reported that staff is in the process of reviewing the more than 20,000 Financial Disclosure Statements that were received on May 15. The Financial Disclosure Statements of the four statewide elected officials have been posted on JCOPE's website. JCOPE will receive the Financial Disclosure Statements for the Legislative Branch members and employees at the end of June.

Update on Outreach Initiatives

Executive Director Tagliafierro reported that JCOPE has continued to engage in educational outreach efforts to build awareness of the recent expansion of local lobbying. JCOPE has been working closely with the various municipal associations. Director of Lobbying and Financial Disclosure Compliance and Senior Counsel, Martin Levine, and Training Manager and Senior Counsel, Shari Calnero, recently attended the State Economic Development Council's ("EDC") annual meeting held in Cooperstown, NY, where they presented information on local lobbying. The EDC represents Industrial Development Agencies (IDAs) across the state. JCOPE plans to continue to work with the EDC to provide information to potential lobbyists about their reporting requirements as a result of the new law. JCOPE also has developed new materials, which were distributed to the Conference of Mayors, the School Board Association, and are available on JCOPE's website. JCOPE also is working with the Association of Towns and is

planning a presentation for the Association of Counties' (NYSAC) annual conference to be held in September in Lake Placid, New York.

Executive Director Tagliafierro further reported that JCOPE was invited by the NYC Conflicts of Interest Board to participate in its annual ethics conference which took place last week. Chief of Staff and Deputy Counsel Monica Stamm, Director of Ethics and Lobbying Guidance and Special Counsel Robert Cohen, and Director of Investigations and Enforcement Pei Pei Cheng-de-Castro presented information about JCOPE's first three years, its accomplishments, and its legislative recommendations. JCOPE will continue to work with New York Law School and the Conflicts of Interest Board in its ongoing education and outreach effort.

IV. ADVISORY OPINION PURSUANT TO EXECUTIVE LAW §94(16)

Lobbying Guidance

Executive Director Tagliafierro advised that JCOPE has been working on providing guidance on the issue of the line between consulting and lobbying. JCOPE has developed proposed guidance to clarify the Commission's position on this issue based on review of JCOPE's prior advisory opinions and dialogue with interested parties. Staff plans to publish the proposed guidance on the website, solicit feedback, continue the dialogue with interested parties, and then come back to the Commission at a future meeting to have a full discussion on the issue.

Director Levine then presented the new guidance, clarifying the scope of activities that constitute direct and Grassroots lobbying under the law. Commissioner Covello asked whether the introduction of a lobbyist to a public official will qualify as lobbying under the new guidance. Director Levine explained that facilitating access to a public official for the purpose of lobbying would be covered under the rule, but the threshold for reportable lobbying still applies: \$5,000 in compensation and expenses. Commissioner Rath asked whether the new guidance addresses the issue of consultants who set up meetings. Director Levine stated that the new guidance makes clear that a phone call to facilitate lobbying -- providing access -- is part of the lobbying effort. Commissioner

Rath asked how JOPE is going to publicize that the new guidance is available for review and comment in order to reach the consulting entities and others that are not currently registered with JCOPE. Executive Director Tagliafierro explained that JCOPE will post the guidance on its website and send out an e-blast to more than 6,000 lobbyists and clients of lobbyists; in addition, staff will directly contact well-known consulting entities to ensure they are aware of the proposed guidance. Commissioner Rath stated that this gray area of providing access is critical for JCOPE to address as its one of the places where the public trust breaks down.

Director Levine advised that there would be a two-three week public comment period, and then staff will assess the feedback and report to the Commission at a future meeting. Commissioner Weissman questioned whether JCOPE could formulate regulations on this issue. Director Levine stated that JCOPE could proceed with regulations, but it may instead address specific lobbying issues individually and subsequently enact one comprehensive set of regulations. An advisory opinion would be a faster method of implementing change. Director Levine explained that, as has been discussed over the last few months, there are a number of lobbying questions JCOPE hopes to address this year which could be part of a larger regulatory package.

V. NEW AND OTHER BUSINESS

There was no new or other business discussed.

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

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

VII. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chair Horwitz announced that, during the Executive Session, the Commission considered and approved settlements of a substantial basis investigation; considered and opened a substantial basis investigation; adjourned an investigative matter; discussed a pending substantial basis investigation; and approved an exemption to pursuant to §73(8-b) of the Public Officers Law.

VIII. MOTION TO ADJOURN THE PUBLIC MEETING

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