

Meeting of the Assembly Standing Committee on Ethics and Guidance

Thursday, August 2, 2012
11:00 AM
Room 438-B CAP

Members Present: Daniel O'Donnell (Chair), Kevin Cahill, Jack McEneny, Michelle Titus, Brian Curran (Ranking Minority Member), Janet Duprey, Joseph Giglio, Tony Jordan

Also Present: Ann Horowitz, Kevin Engel

Pursuant to the call of the Chair and upon notice given pursuant to Rule IV §2(b) of the Assembly Rules, the meeting was duly convened in open session. Mr. McEneny made the following motion:

Because the Committee will be discussing matters which may lead to the discipline of a particular person, I hereby move – pursuant to the provisions of Public Officers Law §105 – that this Committee conduct its meeting relative to this matter in executive session at which only the members of this Committee and its counsels may be present.

The motion was seconded and a vote taken thereon. The motion was approved unanimously.

The meeting was thereafter conducted in executive session.

A motion was made by Mr. McEneny to accept the minutes of the previous meeting. The motion was seconded and a vote taken thereon. The motion was approved unanimously.

Discussion was had, and agreement was reached, that it was unnecessary for there to be a motion regarding confidentiality of the proceedings, as the motion from the meeting of July 27, 2012 remains in effect.

The letter dated July 31, 2012 to Daniel O'Donnell from Gerald B. Lefcourt, Assemblymember Lopez's attorney, was read and reviewed by the Members of the Committee and discussion was had thereon. After discussion, the following decisions were made. With respect to the request for an extension of time, Mr. Lopez's attorney will be given until August 10, 2012 to advise the Committee whether Mr. Lopez will respond in writing or by personal appearance, and Mr. Lopez will be given until August 16, 2012 to appear or to submit a written response. With respect to the request that Assemblymember Cahill decline to participate in this matter, the Committee

noted that Mr. Cahill had previously disclosed familiarity with the father of one complainant. After further discussion about the limited nature of Mr. Cahill's contact with the complainant's family, Mr. McEneny made a motion that the Committee determine that it is appropriate for Mr. Cahill to continue to participate in the Committee's proceedings in this matter. The motion was seconded and a vote taken thereon. The motion was approved unanimously. The Committee approved sending a letter from the Chair to Mr. Lefcourt responding as described above to the two requests made in Mr. Lefcourt's July 27, 2012 letter.

Following a discussion regarding the proceedings of the Committee and its investigation plan with regard to this matter, the Committee determined that Ann Horowitz and Kevin Engel acting as investigative counsel to the Committee would carry out the investigation plan under the supervision of the Chair and the Ranking Minority Member of the Committee.

Upon conclusion of the discussion conducted in executive session, the meeting was reconvened in open session and was thereafter adjourned.