

**MINUTES OF THE PUBLIC SESSION OF THE  
OCTOBER 29, 2019  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
HELD AT  
540 BROADWAY  
ALBANY, NEW YORK**

**Chair:** Michael K. Rozen (NYC)

**Members:** Robert Cohen (NYC)  
James E. Dering (ALB)  
William P. Fisher (ALB)  
Daniel J. Horwitz (NYC)  
Marvin E. Jacob (NYC)  
Gary J. Lavine (ALB)  
James W. McCarthy (WebEx)  
George H. Weissman (ALB)  
James A. Yates (NYC)

Colleen C. DiPirro (Telephone, not voting)

**Members**

**Absent:** David J. McNamara

**Staff:**

Monica J. Stamm, General Counsel  
Martin L. Levine, Deputy General Counsel  
Stephen J. Boland, Director of Administration  
Keith C. St. John, Director of Ethics  
Pei Pei Cheng-de Castro, Director of Investigations and Enforcement  
Walter J. McClure, Director of Communications and Public Information Officer  
Carol Quinn, Deputy Director of Lobbying Guidance  
Emily Logue, Deputy Director of Investigations and Enforcement  
Melinda Funk, Deputy Director of FDS  
Michael Sande, Deputy Director of Ethics Guidance  
Meghann Hennigan-Cohen, Deputy Director of Education  
Kavita Bhatt, Associate Counsel  
Kristin Abreu, Associate Counsel  
Patrick E. Coultry, Chief Investigator  
Carolina Rivera, Investigator  
Lori Donadio, Principal Investigative Analyst  
Katherine Santandrea, Secretary to the Commission

[Commissioners Cohen and Horwitz were not present]

**I. CALL TO ORDER**

Chair Rozen called the October 29, 2019 meeting to order.

**II. REPORT FROM STAFF**

**2020/21 Budget Request**

General Counsel Monica Stamm stated that the Commission has received the annual call letter from the Division of Budget, which asks agencies to submit a flat budget request. The Commission will request an appropriation of \$5.582 million, equal to Fiscal Year 2019-20 levels.

**Second Quarter Financial Report**

Director of Administration Stephen Boland presented the second quarter financial report:

	Personal Service	Non-Personal Service*	Totals
Second Quarter	\$1,036,384	\$140,465	\$1,176,849
Year to Date	\$2,250,773	\$289,913	\$2,540,686
Percentage of Annual Cash Allowance	48.7%	31.8%	45.9%

\* *Supplies, equipment, travel, and contractual services*

Commissioner Yates asked whether the Executive Director's salary was public information. General Counsel Stamm stated that the salary is available through the Office of the State Comptroller and through seethroughny.net. General Counsel Stamm also stated that the salary for the Executive Director salary is not fixed at any particular level and while she does not have the number at hand, she can provide the information to him after the meeting.

[Commissioners Cohen and Horwitz arrived at the meeting at 25 Beaver Street]

### **Outreach Update**

General Counsel Stamm stated that the Commission held its annual CLE program at the Center for New York City Law at the New York Law School on September 26, and it was well-attended, with about 180 attendees. Multiple attendee CLE evaluations requested that the Commission consider offering a similar program in Albany, which staff will consider.

The latest edition of the Commission's book, Ethics & Lobbying in New York State, is now available. Copies are available by request, and it is also available on the JCOPE website.

The Commission recently provided guidance for State employees who engage in crowd-funding through social media, and for State employees who rent out property. Both guidance documents are available through the JCOPE website.

General Counsel Stamm stated that the FDS filing deadline for academic filers is November 15. Staff has done outreach to the relevant agencies on this filing deadline, and the filing process is underway.

### **Proposed Meeting Schedule**

General Counsel Stamm stated that the meeting schedule for the first half of 2020 was included in the book for Commission review. Having received no notice of conflicts from the Commission, the schedule will be finalized and posted to the website.

## **III. APPROVAL OF MINUTES – PUBLIC SESSION**

### **September 10, 2019**

A motion was made by Commissioner Dering, seconded by Commissioner Weissman, to approve the minutes from the Public Session of the September 10, 2019 Commission Meeting. The motion was approved by a vote of 8-0-2. Commissioners Horwitz and Lavine abstained from voting.

**IV. NEW AND OTHER BUSINESS**

Chair Rozen stated that Commissioner Garcia resigned after the September meeting and thanked her for her service and wished her well.

Commissioner Lavine asked Chair Rozen for permission to make a statement regarding New York City Mayor Bill de Blasio. Commissioner Lavine made the following statement:

It is now in the public domain that the relationship between the Mayor and the Campaign for One New York has been the object of scrutiny by the City Department of Investigation and by this Commission. The Mayor has failed to acknowledge impropriety or make any sincere commitment whatsoever to raising the ethical standards of his administration. In fact, the Mayor's response has been contemptuous. The Mayor knew there were at least two opinions of the City Conflicts of Interest Board that called into question the behavior of the Mayor and his minions; at least put them on notice, before they engaged in the improper activity that they did. The Mayor ignored the admonishment of his own legal counsel. Worse, after the Department of Investigation rendered its report with respect to the Campaign for One New York, the Mayor fired the Commissioner. There is an expression, which I will paraphrase, Mr. Chairman. When an administration wants its members to do the right, it will demand integrity, when the administration is indifferent to the wrong, it demands only loyalty. This administration has failed in one of its most important responsibilities: ensuring a high ethical standard.

Commissioner Yates stated that with the loss of Commissioner Garcia, the Commission now only has two legislative Democratic appointees, and that it is difficult for the Commission to do its work without a full Commission.

**V. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW**

**§ 94(19)(B)**

A motion was made by Commissioner Jacob, seconded by Commissioner Yates, to enter into Executive Session. The motion was approved by unanimous vote.

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

[Commissioner Jacob and Chair Rozen left the meeting during Executive Session, with Commissioner Dering presiding over the remainder of the meeting.]

General Counsel Stamm stated that in Executive Session, the Commission discussed litigation matters, approved two settlement agreements, commenced two substantial basis investigations, authorized steps in other investigative matters, and discussed several other investigative matters.

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

Upon motion made by Commissioner Weissman, seconded by Commissioner Fisher, the Public Session was adjourned by unanimous vote.