Commission Meeting of April 28, 2020

Appearances: Michael K. Rozen, Chair
Commissioners:
Robert Cohen
James E. Dering
Colleen C. DiPirro
William P. Fisher
Daniel J. Horwitz
Marvin E. Jacob
Gary J. Lavine
James W. McCarthy
David J. McNamara
George H. Weissman
James A. Yates

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
Emily Logue, Acting Director of Investigations and Enforcement
Walter J. McClure, Director of Communications and Public Information Officer
Carol Quinn, Deputy Director of Lobbying Guidance
Melinda Funk, Deputy Director of Financial Disclosure
Patrick E. Coultry, Chief Investigator
Lori A. Donadio, Principal Investigative Analyst
Kelly A. McCready, Confidential Clerk
IT Staff - David Stern, Tanya Smith
Chair Rozen: Good morning everybody. Welcome to the April meeting of the New York State Joint Commission on Public Ethics. I want to thank everyone for joining today with everything going on in the world and I hope all of you and your families are healthy and safe during this difficult time.

Due to the social distancing orders, JCOPE’s physical offices continue to be closed, so this meeting is being held using video conferencing technology. The public session is accessible on JCOPE’s website to watch via livestream. For that, I appreciate all the efforts made by staff and the Commissioners to ensure that this meeting could happen. Additionally, in recognition of the circumstances, we have taken steps to ensure that people and businesses can devote their energy to navigating the health and financial crises by deferring filing and training deadlines and temporarily suspending audits. We will continue to evaluate the circumstances to determine whether further accommodations are needed. Please contact the Commission staff if you need assistance. Although staff is working from home, they continue to be available to provide ethics and lobbying guidance, aid with public disclosure filings, ethics trainings, and other mandated services. Finally, to conduct this meeting smoothly, I will be monitoring the video and will do my best to recognize anybody who wishes to speak. Staff
will be assisting me, so you can text Monica, Martin, or Walt during the meeting if you need to be recognized. It is important that only one person speak at a time. In addition, I ask that when you speak, you identify yourselves, so we have a clear record. We will need to take votes by roll call to ensure that everyone is counted. Otherwise, please mute your phone when you are not planning to speak. Thank you.

Let’s move to the approval of minutes from the public session that is behind Attachment A, any questions or comments? Monica, I am relying on you for this because I cannot see anybody still.

Kelly McCready: I don’t see any hands up.

Walter McClure: Commissioner Weissman is moving.

Commissioner Weissman: Motion to approve.

Chair Rozen: Thank you Commissioner, is there a second?

Commissioner Dering: Second.

Chair Rozen: Martin, are you taking the roll?

Walter McClure: Hold on Martin, you are muted. Go ahead Martin.

Martin Levine: On the minutes, Commissioner Cohen?

Walter McClure: Hold on, Commissioner Cohen. You are muted, I am going to unmute you. Commissioner Cohen, go ahead.
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Martin Levine: Commissioner Cohen on the minutes.

I’ll come back. Commissioner Dering.

Commissioner Dering: Approved.


Commissioner Fisher: Approved.

Martin Levine: Commissioner Horwitz.

Walter McClure: You are muted Dan.

Commissioner Horwitz: Approved.

Chair Rozen: Thank you.

Martin Levine: Commissioner Jacob.

Commissioner Jacob: Approved.

Martin Levine: Commissioner Lavine.

Commissioner Lavine: Yes.

Martin Levine: Judge McCarthy, judge you are muted.

Walter McClure: Go ahead Commissioner McCarthy.

Commissioner McCarthy: I said I cannot be voting on either minutes because I wasn’t at the last meeting.

Martin Levine: Understood, Judge. Thank you.

Commissioner McNamara.

Commissioner McNamara: Approved.

Martin Levine: Commissioner Weissman.

Commissioner Weissman: Approved.

Martin Levine: Judge Yates.
Judge Yates: Approved.

Martin Levine: Chair Rozen.

Chair Rozen: Approved.

Martin Levine: Commissioner Cohen, all right we will try later, and Commissioner DiPirro.

Walter McClure: I don’t think she’s on.

Martin Levine: Nine, the motion carries.

Chair Rozen: Okay, thank you. Item three on the agenda, Report from Staff.

Walter McClure: Hold on Steve, I will unmute you, Steve, go ahead.

Stephen Boland: Thank you Walt, Good morning everyone, this will be the fourth quarter report of the 2019-2020 fiscal year. As of March 31st, 2020, the personal service during the fourth quarter we spent almost $997,000, for a year to date total of almost $4,487,000, which is a percentage spent of 97.1% of our cash disbursement ceiling. Also, during the fourth quarter for non-personal service, we spent $234,000, for a year to date total of $731,000, which was 80.3% of our cash budget. So, for the totals for the fourth quarter, we spent almost 1,230,000, for a year to date total of $5,117,000, or 94.3% of our cash allowance. Are there any questions? Thank you. And transitioning to this year’s enacted budget, the enacted appropriation is the same as last
year, there are no deviations. Any questions?

Commissioner Fisher: I have a question, is there any talk of any reductions into the current fiscal year.

Stephen Boland: Not in the enacted budget. We have heard rumors that there will be some adjustment, but I haven’t heard anything yet from DOB what those are.

Chair Rozen: Please continue.

Walter McClure: Sorry Steve, can you go ahead again, I’m sorry you were muted.

Stephen Boland: I’m done. Thank you very much.

Chair Rozen: Thank you. Monica just FYI I can see everybody again.

Monica Stamm: Wonderful, that is great news. Okay. I will continue with the staff report. With respect to the annual report, in light of the health crisis and the development of the new lobbying application, we are experiencing a delay in finalizing the annual report. We expect to have an updated timeline by the next meeting but are working towards having a draft for the Commission sometime in June. Any questions about the annual report?

With respect to Financial Disclosure Statement filings, we are currently working on compliance for state office candidates with respect to the June 23, 2020 primary, and obviously there have been some announcements about what
elections will take place at that primary and we are monitoring that. The FDS filings were due earlier this month. We are coordinating with the Legislative Ethics Commission and the Board of Elections, and if necessary, we will send failure to file notices timely so that the notices of delinquency, if needed, will be posted well in advance of the election.

Earlier this month, due to the covid-19 crisis, we found justifiable cause to provide an additional 90 days for filers to submit their Financial Disclosure Statements. So, they will now be due on Monday, August 17 and the filing notices have been sent to filers. The new forms and the new guide are available on our website and staff is available to answer questions. Commissioner Horwitz, did you have a question, you are muted. Okay. I am done with the staff report, turning it over to Martin.

Martin Levine: To bring you up to speed we are at Attachment B in your pdf packet. Before I go into the regulations, I just want to remind both the Commission and the regulated community that the bi-monthly report detailing lobbying activity of March and April of this year are due on May 15th. We appreciate the strong compliance that we received in the most recent filings. On to the regulations, consistent with the discussion we had in February, at our last meeting, we have included a copy of the proposed revisions to both the
lobbying regulations and the source of funding regulations. Those are part 943 and part 938 respectively. The terms of the proposed regulations have not changed since the last meeting, so the versions you had in your last book and the version you have today are substantively identical, but for formatting. As a result, after today’s meeting, staff is proposing to start an informal notice and comment period on these staff drafts. The timing is such that it is important to keep things moving so that all these changes will be in place for the lobbying registration period that begins on January 1, 2021. The informal preliminary comment period provides the public as well as the regulated community, of course, with ample time to provide input on the proposed changes. This is even prior to starting a rulemaking under the Administrative Procedure Act, which as you know will include its own mandatory notice and comment period. There are obviously still open questions about the substantive aspect of the regulations. We anticipate a healthy debate after the comment period and the SAPA period while we are planning to go through proposals, we are not planning to go through the substance of the proposals today, Carol Quinn and I are available to address any questions or concerns you might have about the staff’s drafts.

Chair Rozen: Thank you. Commissioner Yates.
Commissioner Yates: A couple of things. First of all, I don’t know if there is any audience, public audience out there, but if there is, I just want to make it clear that this is a staff proposal, this is not a Commission’s proposal. It is not the result of internal vote, or even complete discussion within the Commission. The staff proposal that the Commission has not fully discussed or even voted on yet. I didn’t want people out there in the regulated community, if they are actually watching this, thinking or saying, which would be even worse, that this is a Commission proposal, it is not. I have looked through it and it’s good to know because we have had some internal discussions. I really only have one point that I wanted to bring to the attention of the regulated community and that deals with the definition of designated lobbyist. Just so we are clear, and I think sometimes it worth studying core principals, there is a difference between advocacy and lobbying. Lobbying entails the use of money, expenditures, receipts, in addition to advocacy. By law we are consigned to regulate for the public about lobbying. We are not in the business of regulating or defining or limiting, exposing advocacy. People are free to go out and advocate all they want; it is only when they do it in conjunction with money, expenditures that they come under our purview. If you look at 943.3 in the staff proposal, you will see there is a
change in what is called a designated lobbyist. Now, the legislative law, which is the backbone from which all of this comes, necessarily gives us the power to regulate and ask for disclosures from employed lobbyists, retained lobbyists, or lobbyists who are designated to act on behalf of a client. In the past, the regulations stuck to that formula and that is there are certain requirements that are put in place if you’re designated by a client to act on behalf of the client and the client spends a certain amount of money to try to influence legislation. The staff draft here breaks that bond. It defines a designated lobbyist as being any board member, director, or officer, of a client, whether or not they were designated by the client to act on behalf of the client. Now, there are a lot of people, including people on this commission and around who act as board members for especially not-for-profit organizations, doesn’t matter whether it is United Way, Roswell Cancer Center, Red Cross, there are a lot of people who are good, public-spirited citizens, go ahead and act as a board member, they receive, on behalf of a public-spirited not-for-profit, receive no compensation and they spend nothing for lobbying. In most cases, the boards, especially in the not-for-profit area, are very careful to delineate and limit who speaks on behalf of them, who advocates for them, and who they ask to go out and lobby, but this new definition, for the
first time, per se a board member would become a lobbyist, even if there is no communication between the board, the client, and the board member asking that person to go out and be a designated lobbyist. What that would mean is that it has a lot of consequences. If you’re listed as a designated lobbyist, you are listed in the statement of registration and the regular reports. There are limitations on who you can give gifts to, there are limitations on who you can do business with, unless you are reporting it publicly, there are limitations, a lot of times board members have jobs and they work for a bank or some other public institution where they are asked and told not to, as a condition of their employment, engage in lobbying. Now they still may be a board member, but they are not lobbyists. Simply being a board member does not make you a lobbyist. This definition would do that and so what I am asking you, since this is really a staff recommendation, not a Commission recommendation, is if there is anyone out there in the regulated community listening that during this period of time, they speak up on this particular issue and then we will debate it more fully within the Commission.

Chair Rozen: Thank you, Commissioner. Anyone else want to be heard. Dan.

Monica Stamm: Dan, you are muted.
Daniel Horwitz: Am I on now? can you hear me?

Chair Rozen: Marvin you will go next. Go ahead Dan.

Daniel Horwitz: Can you hear me?

Monica Stamm: Yes.

Daniel Horwitz: Thank you Mr. Chairman. I have two questions for the staff. The first question is, Martin could you just let us know, first question, can you let us know is the process that we are following as the proposed process that you have laid out, is there precedent for the Commission following this process on prior regulations, where they relate to lobbying or anything else? This is the first question. And then the second question is, listening to Commissioner Yates, I agree that the issue is one that warrants discussion among the Commissioners but I am interested in hearing what the staff’s rationale is for the proposed change regarding lobbyists or board members if you would, for an institution. In other words, to the extent that Commissioner Yates has suggested, has invited the regulated community to comment on this particular aspect of the proposal, I think it is important at least for me, perhaps for the regulated community and beyond, the public at large, because it is not just the regulated community that is affected here, the public at large obviously, these are regulations that go to the core of what we’re about, which is regulating and making sure there is
transparency in dealing with government elected officials. So, I would like to understand, second question is, I would like to understand Martin what the rationale is for the change that you propose. Thank you, Mr. Chairman.

Martin Levine: Commissioner Horwitz and all members of the Commission, to your first question about process, this use of the informal notice and comment period was the process we followed in the beginning of 2017-2018 with the initial promulgation of these regulations. We went through a complete sort of informal SAPA process, threw up a number of changes to the regulations and then brought it forward to the Commission again, for a vote, to then start a SAPA, which that entails its own notice and comment period. So it was a benefit to the public, obviously because they had an extra bite at the apple and a benefit to us because we had a sense of how our proposal would be received before we started the rulemaking, that’s your first question, it does have precedent. We have also, while not under SAPA we have used this process for advisory opinions as well. To your second question about the substantive rationale for the proposal, I would like to try to clear up something and then sort of address the issue again. The first is, our goal was not to change any aspect of this provision as far as how it relates to unpaid board members of not-for-profit organizations. Our goal was to capture that
activity in the original regulation, and we believe it did that and then with this proposal there was no intent to change that. The changes that were proposed were intended to clarify that individuals that spend money can be lobbying on their own behalf. So I think to the extent the proposal has areas that can be clarified, that is certainly something that we need to address, but I think the Commission as a whole, needs to determine whether, and I will give you sort of our initial rationale for the proposal, whether they want this to apply and so initially what we were thinking in 2018 and what we still believe now, is that when an organization is spending money to lobby on an issue and a member of their board who is privy to their discussions, their strategy, and it is publicly known as a member of the board, and speaks with the imprimatur, of the board when that member engages in a lobbying activity on that same issue, it is impossible to distinguish their activity personally from that of the organization, and it was not meant to discourage participation, it is not meant to stifle speech, what is what meant to say is when an organization has a direct, an inherent, deliberate interest in an issue, such that has lobbied on that issue, and then a member of the board begins, engages advocacy on that same issue, we think there needs to be transparency of those communications. To the extent that the language goes beyond
that, or to the extent is not clear, we want to continue this
process and clarify that and make this work to effectuate what
our intent is. At the end of the day the Commission has to
decide what its position is on the inherent issue and then we
can make the language match up. But, like I said, our goal
originally and our goal today was still to clarify the
activities of a board member, when they relate to an issue
that the organization is already lobbying on, should be
captured among those activities that are disclosed to the
public.

Commissioner Horwitz: Thank you Martin.

Chair Rozen: Marvin, do you have a comment?

Commissioner Jacob: Yeah, initially, thank you,
initially, I think Commissioner Yates as well as myself had
wanted to have all of this discussion before we issued a staff
draft because this, at least in my view, this draft, and this
rewrite so to speak was precipitated because of a status issue
involving Kat Sullivan and in particular we were focused on
designated lobbyists and other such issues. I thought at
least that we should create no more confusion and make it
crystal clear when we issue even a commission proposal for
comment. I don’t think we are as clear as we should be when
we issue staff drafts and have discussions such as are going
on now about the meaning of the draft and whether we will
change it or not but we should have been crystal clear going forward because the regs were not crystal clear which precipitated this rewrite. And we don’t, in my view, we don’t help in that regard when we start issuing staff drafts, and on top of it begin to discuss what does the draft mean and assume that we are going to come back to another draft perhaps until we finally issue something, which in the commission’s view, after considering the comments of Commissioners, the commission is at least satisfied with seeking public comment.

Chair Rozen: Thank you Commissioner. Anybody else?

Commissioner Yates.

Commissioner Yates: I have a question, I guess for Martin because you said that you wanted to capture people who were presumed to be speak from the, have the imprimatur of the organization when they speak and my concern, obviously is when we go beyond the statute, where the statute says you’re a lobbyist is you are designated by the client to be a lobbyist and the regulations take that away and say that you’re a lobbyist if you are a board member, even if you are not designated by the organization to speak on their behalf. So my question would be this, let’s say I am a board member of the United Way and during budget negotiations I happen to have a friend who is a legislator or works for the governor in the budget office and I say to that person, unbeknownst to United
Way, I say to that person, you know I hope during these budget times you don’t cut youth programs, that would have to be reported; the person that I spoke to and the time and place of the conversation and the subject of the conversation would have to be reported by United Way. How could that happen if I am not even speaking on their behalf?

Martin Levine: Look Commissioner, I think there are a couple of things to keep in mind there. One is, you know obviously the inclusion of, let’s start back. When the organization, if the organization has decided that it is going to lobby on the budget in this case, and it has made a decision or has had discussions that it is going to do so, and then the board member has this conversation with the legislator or the budget director or the staffer of any of these offices, our position would be that as a board member, they are speaking on behalf of the organization. But I think it is going to turn, as always, on the specific underlying facts of the situation, including whether the organization has decided it’s going to lobby on the budget.

Commissioner Yates: Can I ask you where in the regulations that is because I don’t see it anywhere in the regulations that there has to be a prior board discussion on that particular subject.

Martin Levine: I think we want to avoid that
scenario where there is, you know, I think it would be impossible to regulate the word coordination and so we want to avoid a scenario where we are saying that there has to be explicit coordination, as always we, you know we don’t regulate to the margins, we regulate as close to the middle as we can get. But as I said in the beginning, as we go forward to the extent we can clarify, to the extent we can effectuate exactly what the Commission wants, we will do that, and if this draft doesn’t effectuate what we intend or what you want, then that is what we have to do to start this process. But I would only say that in the interest of keeping the entire process moving I would hope that we could have a good faith debate about this as we move forward, without jeopardizing the likelihood of this package of regulations getting approved in time.

Commissioner Yates: Well I don’t want to prolong this any further just to say one of two things. I would be okay with going back to the old language which said that a designated lobbyist is a person who acts upon behalf of the client. I would be okay if we followed the statute which says that you are a lobbyist when you are designated to act as a lobbyist. Either follow the statute or the old regs are fine, anyway, that is all I have to say.

Chair Rozen: Dan.
Dan Horwitz: Mr. Chairman thank you, I just want to quick follow up to the dialogue that Martin and Commissioner Yates and Commissioner Jacobs just said, I guess, and it is a rhetorical question, I agree that this is, I think the process should move forward as the staff outlined as something we are going to have to debate but two points. I am just not really sure I understand what the reluctance is for additional transparency, because as Martin explained, we’re not, staff is not proposing that this regulation applies to general advocacy. It is talking about an organization, whether it is charitable or not, that has made a policy determination that it is in their best interest to have a registered lobbyist, and to have that lobbyist address electeds and state officials on specific policy and legislative proposals and so I am really not sure that I understand, in the interest, as we all would like to say, we tilt toward disclosure, I am just not sure I understand what the policy issue is behind having the board member going through some training that makes sure that that board member understands what the rules are. And with respect to Commissioner Yate’s hypothetical, I understand that a board member, you know, may not be directed by the board, may either some implicit conversation among the board members or as Jim is suggesting, maybe this board member, on his own takes advantage of a relationship they have with a powerful staff
member in the legislature, I guess, and we don’t have to debate this, I guess my reaction to that hypothetical, I find it hard to believe under that scenario that the legislative staff person’s information that they communicated to the board member is not going to then get communicated back to the board. In other words, the board member may ask his powerful friend or her powerful friend, what’s happening with the budget innocently, but if the information is of value to the organization, which it surely will be, and as the board member surely should know, and that information has been conveyed back to the board, the full board and the board in the organization then makes tactical decisions, strategic decisions about how they want to continue their lobbying efforts, then that is all the more reason that we should tilt towards disclosure here. But again, I agree with Marvin and Jim that we should move forward with the process and have this debate with input from the public. Thank you, Mr. Chairman.

Chair Rozen: Thank you. Anyone else? Okay, let’s move on, Monica go ahead.

Monica Stamm: I just wanted to clarify one thing which is that the staff proposal of the definition of designated lobbyist uses the term “on behalf of” and so we were not intending to depart from the legislative language. But to the extent that any concerns that the current language
is confusing, that is absolutely the benefit of having public
comment in this process. The more time staff can have getting
comments and feedback back from the public and tightening up
the regulatory language before the Commission considers this
again, and votes on it, it is helpful, and it was a very
thoughtful process the last time around. We did it for almost
a year last time and it really helped us refine the language,
clarify points so that when we brought it to the Commission
it would be in better shape. I also wanted to point out, this
is not the only issue in these regulations. there are several
other big issues that we really need to get comment and
feedback on in order to, again, improve upon the language,
clarify the language, bring it back to the Commission for
further discussion and vote, they are in the best shape that
they can be at that point. And then of course, once we begin
a rulemaking process, there will be another round of formal
comment and revision and you could even have a second round.
But the Commission and the staff’s goal is to have these
regulations revised and in effect by January 1, 2021, when the
next biennial registration cycle starts, which is why the
staff wants to move forward now, so we don’t lose more valuable
time getting input from the regulated community.

Commissioner Yates: Mr. Chair, I was going to stop,
but I’m sorry, now I have to say something. I’ve heard two
inconsistent answers from Monica and from Michael. Monica says, oh yeah, this person still has to be acting on behalf of the board, Michael says, or Martin rather, says, no that’s not true, we wanted the definition to talk about a board member even when he is not acting on behalf of the board. So, you know, it is a simple enough change, it is a language change. If what Monica were saying were true, all you would have to do is insert in the second sentence the language on behalf of the board. On the other hand if what Martin says is true and that is that the staff is trying to expand the definition to encompass all board members, then you start getting into the problem that I had in the definition, and then you get into the hypotheticals that Dan, Commissioner Horwitz spoke about and I mean if we are going to get into hypotheticals, his hypotheticals is one where there is a lot of coordination between the board and the board member. I don’t have a problem reporting it when there is coordination. My problem is, most people who are board members on a not-for-profit, where they receive no compensation and spend no money, they are public-spirited people who happen to care about a subject and that means that their conversations when they care about a subject are going to have to be reported and they are going to have to go through ethics training and they are going to have to be barred from certain activities just because they are
speaking out about something they care about, whether it is education, summer youth programs, or whatever, that goes back to my opening remarks and it is conflating advocacy with lobbying. We are allowed to regulate lobbying. We are not allowed to regulate advocacy.

Chair Rozen: Okay. Anything further on this point?

Okay, so then let’s move on. We have two attachments C.

Martin Levine: This is attachment D as in David.

Chair Rozen: Okay, that is meeting schedule, right.

Monica Stamm: Chair, do you want to speak first?

Chair Rozen: I do, so let me talk about the confidentiality committee. As announced at the last meeting, a committee has been convened to evaluate the Commission’s ability to release more information about its operations and investigations to address the frustration of both the public and the Commission about the lack of transparency and misimpressions about its work.

The Committee consists of Commissioners Fisher, Horwitz, Lavine, Yates, and myself, as an ex officio member. We have met twice and have engaged in an extensive review of current practices and procedures regarding disclosure of information, the legal issues relating to the relevant statutes, the policies of comparative investigative and regulatory agencies, and potential avenues to move forward


that would provide additional flexibility to release information about Commission business, including investigations, financial disclosure statements, and guidance.

The Committee expects to convene again in the next few weeks and hopes to present a detailed plan at the next meeting of the Commission, which will include specific proposals to amend its records access regulations, meeting guidelines, and internal practices to, among other things, provide more information to the public and increase communication with complainants, witnesses, and subjects of investigations.

In addition, the committee will continue to evaluate existing protocols in place to protect against improper disclosure of confidential information, including recommendations made by the Office of the Inspector General.

Let’s move to Attachment D, please the meeting schedule.

Monica Stamm: Yes, the meeting schedule for the second half of the year is attached. We adjusted one meeting due to a potential scheduling conflict. We are not aware of any other scheduling conflicts. This will be posted to the website later this week.

Chair Rozen: Okay, thank you. That concludes the
public session of the April meeting of the Joint Commission on public ethics. So, I need a motion please, to enter into executive session. Thank you, Commissioner McNamara, and Commissioner McCarthy seconded. Martin, are you taking a roll?

    Martin Levine: Yes, I will do this quickly, please unmute your phones, Commissioner Cohen.

    Commissioner Cohen: Approved.

    Martin Levine: Commissioner Dering.

    Commissioner Dering: Approved.


    Commissioner Fisher: Approved.

    Martin Levine: Commissioner Horwitz.

    Commissioner Horwitz: Approved.

    Martin Levine: Commissioner Jacob.

    Commissioner Jacob: Approved.

    Martin Levine: Commissioner Lavine.

    Commissioner Lavine: Yes.

    Martin Levine: Judge McCarthy.

    Judge McCarthy: Yes.

    Martin Levine: Commissioner McNamara.

    Commissioner McNamara: Yes.

    Martin Levine: Commissioner Weissman.

    Commissioner Weissman: Yes.
Martin Levine: Judge Yates.

Judge Yates: Yes.

Martin Levine: Chair Rozen.

Chair Rozen: Yes.

Martin Levine: Motion carries.

Monica Stamm: Walt, will you please let us know when we are in Executive Session.

[Entered into Executive Session]

[Returned to Public Session]

[Commissioner DiPirro was present for this portion of public session]

Walter McClure: Chair, we are back in public session.

Chair Rozen: Monica, if you would please give the rundown from exec.

Monica Stamm: Sure, we discussed litigation and personnel matters, we denied an appeal from the denial of a request for an exemption from filing an FDS pursuant to Executive Law §94(9)(k), we granted two applications for an exemption from the post-employment restrictions pursuant to Public Officers Law §73(8-b), we approved one settlement agreement, we commenced two substantial basis investigations, we authorized steps in several investigative matters, closed one matter and discussed several other investigative matters.

Chair Rozen: Thank you. At this time, I need a
motion to adjourn the public meeting. Thank you, Commissioner Dering, Commissioner Yates jumped in on the second, Commissioner Fisher you were a step slow. Martin please.

Martin Levine: On the motion to adjourn, Commissioner Cohen.

Martin Levine: Commissioner Dering.

Commissioner Dering: Yes.

Martin Levine: Commissioner DiPirro.

Commissioner DiPirro: Yes

Commissioner Fisher: Yes.

Martin Levine: Commissioner Horwitz.

Commissioner Horwitz: Yes.

Martin Levine: Commissioner Jacob.

Commissioner Jacob: Yes.

Martin Levine: Commissioner Lavine.

Commissioner Lavine: Yes. And before I adjourn, Mr. Chairman, I hope you accept a compliment in the somewhat difficult circumstance, it was a very, very well conducted meeting.

Chair Rozen: Thank you Gary.

Martin Levine: Judge McCarthy.

Commissioner McCarthy: Yes.

Martin Levine: Commissioner McNamara.

Commissioner McNamara: Yes.
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1  Martin Levine: Commissioner Weissman.

2  Commissioner Weissman: Yes.

3  Martin Levine: Judge Yates.

4  Judge Yates: Yes.

5  Martin Levine: Chair Rozen

6  Chair Rozen: Yes.

7  Martin Levine: Motion carries.

8  Chair Rozen: Okay, we are adjourned. I want to thank everybody for their patience with all of this. I know it has not been easy. I really want to commend staff for arranging this and making it such that we can actually get through this meeting in a productive kind of way, so thank you all very much. Everybody please stay safe and hopefully next month, perhaps in person or at distance or if not were back here but everybody be safe. Thank you.