

NEW YORK STATE  
JOINT COMMISSION ON PUBLIC ETHICS

=====  
Commission Meeting of September 22, 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  
Walter J. McClure, Director of Communications and Public  
Information Officer  
Keith St. John, Deputy Counsel and Director of Ethics  
Carol Quinn, Deputy Director of Lobbying  
Stephen J. Boland, Director of Administration  
Michael Sande, Deputy Director of Ethics  
Megan Mutolo, Associate Counsel  
Lori A. Donadio, Principal Investigative Analyst  
Timothy Willox, Intern  
Nuwer Alexandria, Intern

IT Staff - Tanya Smith  
OGS Media Services - Amaury Corniel

1           Chair Rozen: We are holding this meeting using video  
2 conference technology. The public session is accessible on  
3 JCOPE's website to watch via livestream. To conduct this  
4 meeting smoothly, I will do my best to recognize anyone who  
5 wishes to speak. It is important that only one person speak  
6 at a time and in addition I ask that when you do speak please  
7 identify yourself, so that we have a clear record. We still  
8 need to take votes by roll call to ensure that everyone is  
9 counted. As a reminder, please mute your phone when you are  
10 not planning on speaking. Let's move to item two on the  
11 agenda, approval of the minutes from the August Public Session  
12 behind attachment A. Any questions or comments.

13           Commissioner Dering: I'll move it.

14           Commissioner Weissman: Second.

15           Chair Rozen: Thank you, you guys in Albany you are  
16 going to be doing a lot of that today.

17           Commissioner Weissman: Mr. Chair, we aim to please.

18           Chair Rozen: Thank you sir, appreciate it as always.

19           Martin, can you take the roll please?

20           Martin Levine: On the minutes, Commissioner Cohen?

21           Commissioner Cohen: Yes.

22           Martin Levine: Commissioner Dering?

23           Commissioner Dering: Yes.

24           Martin Levine: Commissioner Fisher?

25           Commissioner Fisher: Yes.

1 Martin Levine: Commissioner Horwitz?

2 Commissioner Horwitz: Recuse, or abstain, I wasn't  
3 here for that meeting.

4 Martin Levine: Commissioner DiPirro?

5 Commissioner DiPirro: Yes.

6 Martin Levine: Commissioner Jacob?

7 Commissioner Jacob: Yes.

8 Martin Levine: Commissioner Lavine?

9 Commissioner Lavine: Yes.

10 Martin Levine: Commissioner McCarthy?

11 Commissioner McCarthy: Yes.

12 Martin Levine: Commissioner McNamara?

13 Commissioner McNamara: Yes.

14 Martin Levine: Commissioner Weissman?

15 Commissioner Weissman: Yes.

16 Martin Levine: Judge Yates?

17 Commissioner Yates: Yes.

18 Martin Levine: Chair Rozen?

19 Chair Rozen: Yes.

20 Chair Rozen: Okay. Item three, report from staff  
21 please.

22 Monica Stamm: Sure, this is Monica Stamm. We will  
23 start with the outreach update. At the last meeting, the  
24 Commission issued Advisory Opinion 20-01, which has been posted  
25 on the website and distributed to all agency Ethic Officers.

1 It applied to principles in a prior Advisory Opinion, 18-01,  
2 concerning the lifetime bar to a long-term project and  
3 concluded based on the specific circumstances that the lifetime  
4 bar did not prohibit the former employee from working on a  
5 different aspect of a project. In addition, it has been  
6 announced that JCOPE is holding its annual CLE event with  
7 CityLaw and NY Law School. It's on Tuesday, October 13th. The  
8 topic is "Ethics and Innovation in New York State, Navigating  
9 Conflicts When Government is A Partner". This year, we are  
10 only doing one panel. It will be virtual but there still will  
11 be CLE credits. If you are interested, if any of the  
12 Commissioners are interested in participating, coordinate with  
13 Walt. We are hoping for a lot of attendance. CityLaw has said  
14 that they have had success with their virtual CLE programing,  
15 and we have had a lot of positive feedback in the past. Does  
16 anyone have any questions about the panel?

17 We issued our Spring/Summer newsletter a few weeks ago.  
18 Again that's put on our website and it's distributed to Ethics  
19 Officers and, finally, in response to timely questions  
20 concerning whether state employees can volunteer in connection,  
21 can volunteer as poll workers in connection with the election,  
22 we issued an Ethics Reminder within the last two days about the  
23 topic and how to analyze a conflict, and that is really the  
24 outreach update.

1           With respect to the 2021-2022 budget, typically around  
2 this year we get the call letter from DOB. We haven't received  
3 it yet. Last year it came a little bit later than the September  
4 meeting. We expect it will probably come in the next few weeks.  
5 Often the turnaround is tight; it's possible that we will  
6 respond with our budget request before the next meeting. So, if  
7 any Commissioners have questions, want to talk to us offline  
8 between meetings as we prepare our budget request, we can keep  
9 people informed when we do receive the call letter and any  
10 guidance that we get from DOB as to what to expect for year's  
11 financial planning.

12           Commissioner Weissman: Monica?

13           Monica Stamm: Yes.

14           Commissioner Weissman: When we get the call letter,  
15 would you be so kind to share it with everybody?

16           Monica Stamm: Sure. No problem.

17           Commissioner Weissman: Thank you.

18           Monica Stamm: Any other questions? Okay, the next  
19 item on the agenda, if we want to proceed is a proposed advisory  
20 opinion. This is an advisory opinion that the Commission has  
21 seen before. It is attached at Tab B,. We presented, we have  
22 been working on this Advisory Opinion with the Commission for a  
23 long time now. It was last presented to the Commission in  
24 February, which feels like a lifetime ago. To avoid creating  
25 any delays or confusion about donations and support during the

1 health crisis, we delayed discussing this until now. You may  
2 recall that we previously made changes to address various  
3 concerns raised by Commissioners, and at the February meeting,  
4 additional concerns were raised. Commissioner Yates, you  
5 particularly had us address an issue and subsequent to the  
6 meeting, we added a footnote, and I think reached a consensus  
7 that the issue was resolved, but I don't want to speak for  
8 Commissioner Yates. We added footnote six to the Advisory  
9 Opinion. So we are asking now that the Commission vote to approve  
10 this Advisory Opinion and if anyone has any questions about the  
11 substance, I will turn it over to Deputy Director for Ethics  
12 Guidance Michael Sande for any questions.

13 Chair Rozen: Any questions? Alright. Not hearing any  
14 or seeing any, can I have a motion to approve please?

15 Commissioner Dering: I'll move.

16 Chair Rozen: Thank you, second?

17 Commissioner Weissman: Second.

18 Chair Rozen: Thank you, Martin, the roll please.

19 Martin Levine: On the Advisory Opinion, Commissioner  
20 Cohen?

21 Commissioner Cohen: Yes.

22 Martin Levine: Commissioner Dering?

23 Commissioner Dering: Yes.

24 Martin Levine: Commissioner DiPirro?

25 Commissioner DiPirro: Yes.

1 Martin Levine: Commissioner Fisher?

2 Commissioner Fisher: Yes.

3 Martin Levine: Commissioner Horwitz?

4 Commissioner Horwitz: Yes.

5 Martin Levine: Commissioner Jacob?

6 Commissioner Jacob: Yes.

7 Martin Levine: Commissioner Lavine?

8 Commissioner Lavine: Yes.

9 Martin Levine: Judge McCarthy?

10 Commissioner McCarthy: Yes.

11 Martin Levine: Commissioner McNamara?

12 Commissioner McNamara: Yes.

13 Martin Levine: Commissioner Weissman?

14 Commissioner Weissman: Yes.

15 Martin Levine: Judge Yates?

16 Commissioner Yates: Yes.

17 Martin Levine: Chair Rozen?

18 Chair Rozen: Yes. Okay, attachment C, the proposed  
19 meeting schedule.

20 Monica Stamm: Alright, again, attached at C is the  
21 proposed meeting schedule for January to June 2021. We usually  
22 try to prepare it a few months in advance so if between meetings  
23 you could all take a look at the proposed schedule. We tried  
24 to avoid holidays but if you have any conflicts, please let us

1 know and then we will try to finalize the schedule at the next  
2 meeting.

3 Chair Rozen: Okay, thanks. Unless anybody has  
4 anything further that is not on the agenda, that concludes the  
5 public session.

6 Commissioner Lavine: Pardon me, Mr. Chairman.

7 Chair Rozen: Commissioner Lavine, yes, go ahead.

8 Commissioner Lavine: I have several items, if I may  
9 have your indulgence.

10 Chair Rozen: Go ahead.

11 Commission Lavine: First, I would like to ask staff  
12 to address the operation and implication of Executive Order  
13 202.6 which, as I understand it, exempts not only from the  
14 Public Officers Law, but all statutory or regulatory protocols,  
15 volunteers or others who may be retained for pay by the state  
16 who are assisting the governor in responding to the public  
17 health crisis. And I have specific questions regarding this  
18 Executive Order, but my first question is, have I properly  
19 characterized its broad ambit?

20 Martin Levine: I can address that, Commissioner  
21 Lavine. So, you have, with one slight correction, I think your  
22 characterization is accurate. There was a clarification in  
23 Executive Order 202.7 which limited the application of the  
24 previous EO to those volunteering or hired for nominal  
25 salaries. It would not, on the clarification, it was not

1 intended to cover those who were hired for these positions.  
2 What the executive order did was remove from the definition of  
3 a public officer or state employee from the public officer's  
4 law to those who were in these temporary positions to aid in  
5 the response to the COVID-19 pandemic. It also suspended  
6 certain aspects of the gift laws for lobbyists and public  
7 officials to allow the state to solicit from lobbyists, gifts  
8 to aid in the COVID response, and allow lobbyists to provide  
9 those gifts when they wouldn't otherwise have been able to.  
10 Because of the exclusion from the definition of a state  
11 employee, these individuals, by extension, were also excluded  
12 from the requirement to file a financial disclosure statement.  
13 Finally, application of post-employment restrictions would not  
14 apply to these individuals when they resume their private  
15 sector duties after volunteering for the state, so they  
16 wouldn't be penalized for coming to volunteer in the COVID  
17 response and then turning around then being restricted from  
18 carrying out these duties before the COVID response in their  
19 private sector capacity. So, I think that generally covers it  
20 but if you have specific questions, I am happy to address those  
21 as well.

22           Commissioner Lavine: Yes, I do. the Executive Order  
23 addresses those who are volunteering. The Executive Order also  
24 has at least one provision that addresses those who are not  
25 considered state employees but are being paid by the state.

1 And it specifically exempts them from subparagraph one of the  
2 subdivision one, of section 73, what is the implication of that  
3 exemption?

4 Martin Levine: Well.

5 Commissioner Lavine: Volunteers who are being paid.

6 Martin Levine: As I mentioned earlier, and I just  
7 want to check it again, that I think your statement about those  
8 being paid is incorrect because as I mentioned earlier, 202.7  
9 appears to modify that to limit it to only those who are hired  
10 for a nominal or no salary in a volunteer capacity. So I don't  
11 believe, and again this is not our order, this is something  
12 that was issued by the executive chamber, by the Governor, but  
13 my reading of that is that it is not applicable to those who  
14 were hired but rather those who volunteer. But I don't want to  
15 speak to the intent of the governor, so that is all I would say  
16 to that extent.

17 Gary Lavine: The order, as extant, provides that  
18 there is some protocol for identifying and recording recusals,  
19 is that correct?

20 Martin Levine: The order provides that the agency or  
21 entity bringing that person on board may decide to implement  
22 recusals on an individual basis with the person volunteering.  
23 As for protocol, I would have to check again but I don't believe  
24 the order established any sort of protocol as to how to go

1 about that. Again, this is outside of our purview. I am just  
2 giving you my interpretation of how I read it.

3 Gary Lavine: But so far as staff knows, if I may  
4 continue Mr. Chairman, so far as staff knows, is there actually  
5 a list of all the individuals that executive order 202.6  
6 currently is applicable to who are involved with the state?

7 Martin Levine: I am not able to answer that. I can  
8 find out, but I don't have that information right now.

9 Gary Lavine: Well so far as the staff, if I may  
10 continue Mr. Chairman, so far as staff knows is anyone or any  
11 entity within the administration maintaining a catalog of who  
12 these people are, what their affiliations are, whether they  
13 would by their circumstance be deemed a so called "interested  
14 source" under our regulations, whether they are doing business  
15 with the state, whether they are lobbyists, and the list of  
16 these so-called recusals that have been provided for in the  
17 order? Is any of this information available so far as staff  
18 is aware?

19 Martin Levine: I don't have any of that information.  
20 As you know, the executive order removes these people from our  
21 jurisdiction so by necessity, not by necessity, but we would  
22 not know.

23 Gary Lavine: But again, on the follow-up, Mr.  
24 Chairman, can the executive order be interpreted as exempting  
25 all of those who are lobbying the state, doing business with

1 the state, or engaging in political fundraising from having to  
2 file anything with anybody that is open to public disclosure,  
3 is that a fair interpretation of the order?

4           Monica Stamm: Commissioner, I mean, as Martin has  
5 implied, this is not our executive order. If you want us to  
6 direct your questions to the chamber about how they are  
7 interpreting and applying their executive order and what  
8 records they are keeping with respect to people who are covered  
9 by their executive order, we can do so, but we are not in a  
10 position to continue to interpret the chamber's executive order  
11 and what its effectiveness is. If a question or a specific  
12 situation arose, then we would consult with them, but if you  
13 want us to get answers to questions on how they're interpreting  
14 their executive order, we can do that. You can give us a list  
15 of questions but you know, offline, however you want to  
16 communicate them to us, and we will pursue them.

17           Gary Lavine: Mr. Chairman, if I may express myself?

18           Chair Rozen: Go ahead.

19           Gary Lavine: And indulge in allowing these questions.  
20 Now, first and foremost, I feel very strongly that the Governor  
21 should have anyone involved that he wants involved in  
22 addressing the crisis. There is a model that I believe is  
23 pertinent to deal with conflicts and that is the one presented  
24 by the business corporation law, where the conflicts are fully  
25 disclosed the conflicts may be waived if it is in the interest

1 in the corporation. Similarly, I repeat for emphasis, the  
2 Governor ought to have whomever he wishes to have involved in  
3 responding and the conflicts legitimately can be waived,  
4 however, I believe there is a matter of accountability in  
5 disclosure. So far as I can ascertain, a list of people who are  
6 the beneficiaries of this executive order has not been listed  
7 for public disclosure. If they are listed for public  
8 disclosure, I will stand corrected. But I believe that the  
9 staff should be directed to immediately consult with the  
10 executive chamber to ascertain the lists of people to whom this  
11 order currently applies, whether their circumstances are such  
12 that they would otherwise be interested persons or lobbyists  
13 or doing business with the state, and also that the recusals  
14 that have been identified ought to be publicly disclosed. Does  
15 it require a vote so we could have the Commission direct the  
16 staff to have that consultation with the executive chamber?  
17 Can you hear me Mr. Chairman?

18 Chair Rozen: I heard you, Gary. What it is that you  
19 are asking?

20 Commissioner Lavine: I am asking that the staff be  
21 directed to have an immediate consultation with the executive  
22 chamber and report back to us with respect to one, is there a  
23 list of individuals to whom this executive order applies, what  
24 are their particular circumstances with respect to being an  
25 interested party, which is to say are they lobbying

1 professionally or otherwise doing business with the state? And  
2 thirdly, what recusals have already been identified  
3 administratively?

4 Chair Rozen: Okay, Monica. Do you have any issue with  
5 that, Martin?

6 Monica Stamm: Well, we don't need a motion if that  
7 is what the Commission wants us to do. Much of this information  
8 is not, you know, I don't know whether or not this information  
9 is made publicly available. It's not required to be publicly  
10 available, and it would be up to the chamber if, you know. We  
11 can talk with them if that is what the Commission wants us to  
12 do.

13 Commissioner Lavine: Well, in fairness to everyone  
14 involved, including the executive chamber, we ought to make the  
15 inquiry if it is available that resolves the matter. If it is  
16 not available, then there ought to be further discussion  
17 amongst the Commission in public session at the October  
18 meeting.

19 Monica Stamm: It looks like Commissioner Fisher would  
20 like to speak.

21 Commissioner Fisher: I would like to suggest a  
22 variation on what Commissioner Lavine has asked. I think as a  
23 practical matter, it would be useful to know who staff should not  
24 be seeking disclosures from, like by default we get a list of  
25 who is subject to our jurisdiction and who has filed and who

1 hasn't, and unless someone tells us not to go after someone for  
2 a disclosure, staff's going to go after them, right. Go after  
3 them, maybe that is the wrong term, but again as a practical  
4 matter, it would be useful to know, don't expect any of the  
5 normal disclosure from this person because due to this  
6 executive order they are not required to file with JCOPE,  
7 therefore our staff shouldn't waste any time chasing down  
8 disclosures that aren't coming, so why wouldn't be just say,  
9 get a list so that we don't waste our time.

10           Commissioner Dering: I just have a comment on that,  
11 and I have a question for Monica. Monica, you had mentioned  
12 that should an issue arise, part of the conversation would be  
13 whether the order applies to the person or not. That strikes  
14 me as making sense. I just wanted to ask you, from an  
15 implementation standpoint, I mean, if the point of the  
16 executive order is to taken outside of our jurisdiction so I'm  
17 just really questioning, you know, to what extent it is  
18 appropriate for us to, you know, the appearance of attempting  
19 to damage that executive order when it is outside of our  
20 authority.

21           Commissioner Lavine: Mr. Chair, may I address  
22 Commissioner Dering's comment?

23           Chair Rozen: Sure.

24           Commissioner Lavine: At this juncture, Commissioner  
25 Dering, what I am suggesting is that staff identify whether a

1 list of whom this order applies to and what their circumstances  
2 are and what recusals have already been noted. I don't  
3 understand how that request could be construed as managing the  
4 executive order. We are simply asking for the information.

5 Commissioner Horwitz: Well, Mr. Chairman?

6 Chair Rozen: Yep.

7 Commissioner Horwitz: I guess the fundamental  
8 question really that is underlying all of this is, and I don't  
9 think anyone is challenging this, because I haven't heard  
10 anything that any Commissioner has said that in anyway suggests  
11 that the executive order was somehow unauthorized. So if we are  
12 going to approach this in a logically and cogent manner, then  
13 I think the first question is, if nobody has issues about  
14 whether the executive order was legally inappropriate, and it  
15 doesn't sound like that is the case, then the question becomes  
16 the one that Monica has posed which is, you know, what is,  
17 what, if we don't have the jurisdiction, then I understand that  
18 some Commissioners may think it is good public policy to try  
19 to understand what the chamber is doing to ensure that there  
20 aren't, you know, what would otherwise be impermissible  
21 conflicts created. There is no question, I don't think anybody  
22 on the Commission is suggesting that is sort of a wordy  
23 question. I guess the question is, I am concerned that, you  
24 know, we are setting out on yet another fool's errand where,  
25 you know, we think that we have the ability to tell something

1 and, you know, look, this happens to be the executive chamber,  
2 but why would this be any different than if we decide we want,  
3 demand from, I don't know, Legislative Ethics certain  
4 information that they keep that we are not entitled to, to me  
5 it is not any different. And again, nobody, I don't think any  
6 of the Commission's efforts are questioning the public policy  
7 of wanting to make sure that in inviting members of the public  
8 to assist in an unprecedented public health crisis, attention  
9 should be paid to whether there are or are not conflicts that  
10 might be created, nobody is suggesting that. But what I am  
11 concerned about Mr. Chairman, yet again, this turns into some  
12 sort of fool's errand, and then there is going to be, I don't  
13 know, commentary and newspaper articles and we go down yet  
14 another rabbit hole. And I would also add, we are at a time  
15 where your know our staff is stretched thin, and I know we are  
16 going to go into executive session and we are going to talk  
17 about ongoing investigations where we have staffing issues,  
18 where because of where we are generally, and because of the  
19 crisis. And so yet again, Mr. Chairman, I am concerned about  
20 employing staff resources on a fool's errand that at the end  
21 of the day, we don't have the ability to do anything about it.  
22 If a Commissioner wants to find out what the chamber is doing,  
23 we'll contact the chamber. If the Commission consensus is that  
24 we ask the chamber what they are doing to ensure that there  
25 aren't conflicts with respect to the executive order, if that

1 is what people want, that's fine. But if the chamber or, and  
2 there are plenty of good public policy reasons why they wouldn't  
3 want that information publicly disseminated, perhaps they can  
4 disseminate to us, you know, in a more confidential way, but  
5 if they determine that is not in public interest to make this  
6 disclosure at this time, then boy, I really don't think we are  
7 going to, you know, it's not going to be useful. It is not  
8 going to be useful for anybody if we then set ourselves up into  
9 something we can't deal with, and we can't control. So that is  
10 my view on it, Mr. Chairman.

11 Chair Rozen: Thank you.

12 Commissioner Lavine: May I respond, Mr. Chairman?

13 Chair Rozen: Yes, go ahead.

14 Commissioner Lavine: What I am suggesting is  
15 informational only, but I start with an immutable fact. The  
16 executive order has completely supplanted our function, and I  
17 believe institutionally, it is our responsibility to ask the  
18 question what are they doing, how is this order being applied,  
19 and to whom, in its information. Now they make the decision  
20 that they don't want to disclose the information, then that's  
21 a next stage discussion, not for today. What I am proposing  
22 is that staff make a phone call and ask, is this information  
23 available and if so, turn it over to us.

24 Commissioner Horwitz: Again, Mr. Chairman, nobody is  
25 questioning the public policy interest in this, but I always

1 find these discussions curious because they always inevitably  
2 focus on the executive branch, which is fine, and is certainly  
3 in our purview. I think I could count on one hand, maybe, the  
4 times that we've ever asked the legislature for similar  
5 statistical information; how many complaints have there been  
6 filed against members, what kind of discipline has been against  
7 members. And I am not suggesting, Mr. Chairman, that we go  
8 ahead and do that because, again to me, the legal analysis and  
9 public policy analysis are to the question I framed before. If  
10 the executive order is legally appropriate then we can, you  
11 know, ask for whatever we want but, you know again, I don't  
12 want to go down the rabbit hole of gee, if the chamber has a  
13 legitimate public policy reasons for not providing every answer  
14 to what a Commissioner has asked for, then I really think, you  
15 know, where are we going with this. In any event, I don't mean  
16 to belabor it, but I do think that it is worth noting that  
17 these kinds of requests always seem to go down the same street,  
18 which I find curious. Thank you, Mr. Chairman.

19 Chair Rozen: Okay, anybody else on this? So, Monica,  
20 if you would, I am sorry, was somebody about to say something?

21 Commissioner Dering: Yeah, Jim Dering. I just want  
22 to say that I agree with the comments from Commissioner Horwitz.  
23 I think they are consistent with what I said but in a more  
24 articulate way.

1           Chair Rozen: So, Monica, why don't you just start by  
2 asking the chamber if they've got a process and then report  
3 back to us and we can decide if there is anything else that we  
4 want to request. Let's just take it step by step, I think.

5           Monica Stamm: Okay, will do.

6           Chair Rozen: Okay.

7           Commissioner Lavine: Thank you, Mr. Chairman.

8           Chair Rozen: You are quite welcome. At this point,  
9 we are now concluded with the public session, so I need a motion  
10 to go into Executive Session please.

11          Commissioner Dering: I'll move.

12          Chair Rozen: Commissioner Dering, thank you. Second,  
13 thank you, Commissioner Fisher. Martin, can you take the roll  
14 please?

15          Martin Levine: On the motion to Executive Session,  
16 Commissioner Cohen?

17          Commissioner Cohen: Yes.

18          Martin Levine: Commissioner Dering?

19          Commissioner Dering: Yes.

20          Martin Levine: DiPirro please?

21          Commissioner DiPirro: Yes.

22          Martin Levine: Fisher please?

23          Commissioner Fisher: Yes.

24          Martin Levine: Horwitz?

25          Commissioner Horwitz: Yes.

1           Martin    Levine:    Jacob?    Commissioner    Jacob,  
2 Commissioner Lavine?  
3           Commissioner Lavine: Yes.  
4           Martin Levine:  McNamara?  
5           Commissioner McNamara:  Yes  
6           Martin Levine:  Judge McCarthy?  
7           Judge McCarthy:  Yes.  
8           Martin Levine:  Weissman?  
9           Commissioner Weissman:  Yes.  
10          Martin Levine:  Yates?  
11          Martin Levine:  Chair Rozen?  
12          Chair Rozen:  Yes.  
13          Martin Levine:  I'll come back, Commissioner Jacob?  
14          Commissioner Jacob:  Yes.  
15          Martin Levine:  Judge Yates.  
16          Monica Stamm:  Judge Yates is muted.  
17          Walter McClure:  He's unmuted now.  Go ahead,  
18 Commissioner Yates.  
19          Commissioner Yates:  Yes.  
20          Martin Lavine:  Thank you.  Alright, motion is  
21 unanimous.  
22          Walter McClure:  Okay, stand by.  Oh I'm sorry I forgot  
23 to unmute you, Chair.  
24          Chair Rozen:  It's okay.  
25          Walter McClure:  So are we ready, stand by, okay.

1

2 [Chair Rozen was not present for the remainder of Public  
3 Session. Commissioner Dering served as Chair for the  
4 remainder of the meeting.]

5 [Commissioner Horwitz was not present for the remainder of  
6 Public Session.]

7

8 Walter McClure: We're back on.

9 Commissioner Dering: We are back in Public Session.  
10 Monica, can you please summarize what we did in Executive  
11 Session?

12 Monica Stamm: Sure. We discussed litigation and  
13 personnel matters, we commenced one substantial basis  
14 investigation, and we authorized steps in several investigative  
15 matters, closed four matters, and discussed several other  
16 investigative matters.

17 Commissioner Dering: Unless someone has something  
18 else, is there a motion to conclude the meeting?

19 Commissioner Fisher: I'll make that motion.

20 Commissioner Weissman: Second.

21 Martin Levine: To adjourn, Cohen?

22 Commissioner Cohen: Yes.

23 Martin Levine: Dering?

24 Commissioner Dering: Yes.

1 Martin Levine: DiPirro?  
2 Commissioner DiPirro: Yes.  
3 Martin Levine: Fisher?  
4 Commissioner Fisher: Yes.  
5 Martin Levine: Horwitz is off, Jacob?  
6 Commissioner Jacob: Yes.  
7 Martin Levine: Lavine?  
8 Commissioner Lavine: Yes.  
9 Martin Levine: McCarthy?  
10 Commissioner McCarthy: Yes.  
11 Martin Levine: McNamara?  
12 Commissioner McNamara: Yes.  
13 Martin Levine: Weissman?  
14 Commissioner Weissman: Yes.  
15 Martin Levine: Commissioner Yates?  
16 Commissioner Yates: Yes.  
17 Martin Levine: Chair.  
18 Commissioner Dering: That's it, take care.  
19 Monica Stamm: Thanks everyone.  
20