

**MINUTES OF THE PUBLIC SESSION OF THE
MARCH 27, 2018
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)
Marvin Jacob (WebEx)
Seymour Knox, IV (ALB)
Gary J. Lavine (WebEx)
J. Gerard McAuliffe, Jr. (ALB)
David J. McNamara (ALB)
Barry C. Sample (WebEx)
Dawn L. Smalls (NYC)
George H. Weissman (WebEx)
James A. Yates (NYC)

Members

Absent: None

Staff: Seth H. Agata, Executive Director
Monica J. Stamm, General Counsel
Martin L. Levine, Deputy General Counsel
Andrew Bechard, Director of Lobbying
Keith C. St. John, Director of Ethics
Stephen J. Boland, Director of Administration
Walter J. McClure, Director of Communications and Public Information Officer
Pei Pei Cheng-de-Castro, Director of Investigations and Enforcement
Emily A. Logue, Deputy Director of Investigations and Enforcement
Stephanie Blattmachr, Deputy Director of FDS
Michael Sande, Deputy Director of Ethics Guidance
Meghann Hennigan-Cohen, Deputy Director of Education
Carol Quinn, Deputy Director of Lobbying
Erin Lynch, Associate Counsel
Patrick E. Coultry, Chief Investigator
Peter J. Smith, Investigator
Richard Coraggio, Investigator
Lori Donadio, Principal Investigative Analyst
Marlena Diaz, Assistant Director of Communications
Kate Ashworth, Training Associate
Katherine Santandrea, Secretary to the Commission

I. CALL TO ORDER

Chair Rozen called the March 27, 2018 meeting to order.

II. APPROVAL OF MINUTES – PUBLIC SESSION

February 27, 2018

A motion was made by Commissioner McAuliffe, seconded by Commissioner Dering, to approve the minutes from the Public Session of the February 27, 2018 Commission Meeting. The motion was approved by unanimous vote of 11-0-1; Commissioner Jacob was not present for the vote.

III. REPORT FROM STAFF

Outreach Update

Executive Director Agata stated that the annual report will come out around the week of April 9, 2018, and will be circulated to the Commissioners prior to release for comments and edits.

Since the last meeting, a procurement lobbying guide has been published, a clearly defined guide on engaging in procurement lobbying in New York State. A new ethics newsletter will be forthcoming.

Director of Ethics Keith St. John and Deputy General Counsel Martin Levine recently met with a delegation of provincial legislators and ethics officials from South Africa to discuss the state's ethics laws and practices. Executive Director Agata, Deputy Counsel Martin Levine, and Director St. John also met with a delegation from the Middle East the previous week; both programs were part of a global program conducted through the U.S. Department of State.

New Website

Executive Director Agata stated that the new website would go live the following week, and thanked staff, especially Director of Communications and Public Information Officer Walter McClure and Assistant Director of Communications Marlena Diaz for their

significant efforts over the past several months. Director McClure then gave a presentation on the new website, demonstrating the ease of access to public information and topics of interest.

Staff Drafts of Legislative Proposals

Executive Director Agata presented three drafts of legislative proposals put together by staff which were included in the meeting materials for the Commission's review. Staff is ready to discuss at the Commission's convenience. Executive Director Agata advised that they can be on a future agenda for discussion if the Commission wishes them to be.

Litigation

General Counsel Stamm reported that the plaintiff in Catherine Webb v. JCOPE, a former employee who claimed gender discrimination and retaliation under federal and state civil rights laws, has voluntarily dismissed her case. The parties filed a stipulation and order of discontinuance with prejudice on March 7, 2018. The case is terminated.

IV. NEW AND OTHER BUSINESS

Proposed Meeting Schedule – July through December 2018

A proposed meeting schedule for the remainder of the year was presented to the Commissioners for review.

Statement from Chair Rozen:

Before we move into Executive Session, I would like to remind everyone that no conclusions can be, or ever should be drawn from the Commission's silence when it is asked whether an investigation is possible, commenced or finished. To divulge such information is a crime.

The Commission has not responded to questions when it has been actively conducting investigations, or when federal prosecutors have asked it to "stand down" – meaning step aside in investigating matters until criminal trials and appeals arising out of trials have concluded.

In short, silence in the face of these questions is mandated by law but does not indicate action or inaction on the part of the Commission. No conclusions should be inferred by the Commission's silence.

V. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW § 94(19)(B)

A motion was made by Commissioner McAuliffe, seconded by Commissioner McNamara, to enter into Executive Session Pursuant to Executive Law § 94(19)(b). The motion was approved by unanimous vote.

VI. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chair Rozen summarized that in Executive Session, the Commission approved three settlement agreements, commenced three substantial basis investigations, authorized several investigative steps, and discussed several pending matters.

VII. MOTION TO ADJOURN THE PUBLIC MEETING

Upon motion made by Commissioner Knox, seconded by Commissioner Yates, the Public Session was adjourned by unanimous vote.