

**MINUTES OF THE PUBLIC SESSION OF THE  
JULY 31, 2018  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
HELD AT  
540 BROADWAY  
ALBANY, NEW YORK**

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

**Members:** James E. Dering (ALB)  
Colleen C. DiPirro (BUF)  
Marvin Jacob (NYC)  
Gary J. Lavine (WebEx)  
J. Gerard McAuliffe, Jr. (ALB)  
David J. McNamara (BUF)  
Barry C. Sample (ALB)  
Dawn L. Smalls (WebEx)  
George H. Weissman (WebEx)  
James A. Yates (NYC)

**Members**

**Absent:** Robert Cohen

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

**I. CALL TO ORDER**

Chair Rozen called the July 31, 2018 meeting to order and welcomed new commissioner, Colleen C. DiPirro. Chair Rozen thanked former Commissioner Seymour Knox, IV for his years of service with the Commission.

**II. APPROVAL OF MINUTES – PUBLIC SESSION**

**June 26, 2018**

A motion was made by Commissioner Yates, seconded by Commissioner Sample, to approve the minutes from the Public Session of the June 26, 2018 Commission Meeting. The motion was approved by a vote of 10-0-1. Commissioner DiPirro abstained from voting.

**III. REPORT FROM STAFF**

**Outreach Update**

Executive Director Seth Agata stated that the education team will be preparing specialized trainings on issues that arise under Public Officers Law §73 and §74 that affect boards, commissions, and councils. Staff also recently sent out an ethics reminder on how to handle the receipt of complimentary copies of textbooks provided from publishers to professors at SUNY and CUNY, which is an issue that JCOPE staff attorneys handle regularly.

There are several efforts underway regarding JCOPE's new lobbying regulations, which will become effective in January 2019. On September 20, 2018 there will be an overview training held in the Legislative Office Building in Albany. That training can be viewed via WebEx for those who cannot attend in person. That training will be available on the JCOPE website for lobbyists and others who want to be trained on the new lobbying regulations.

Recently, a plain language document was published on the lobbying regulations, highlighting key features of the regulations.

On October 25, 2018, JCOPE will be holding a program, in conjunction with the New York City Law Institute, at New York Law School; CLE credits will be offered. The focus will be on lobbying issues, and staff are currently putting together panels, including one on First Amendment implications.

Executive Director Agata stated JCOPE's summer/spring newsletter recently was distributed, and is now posted to the JCOPE website.

### **Candidates' FDS Filings**

General Counsel Monica Stamm gave a reminder that candidates for statewide and legislative offices must file financial disclosure statements (FDS). Candidates' FDS disclosures are publicly available upon request. Staff are actively pursuing compliance for candidates who have not filed in order to ensure compliance before the primary elections. If candidates fail to file, Notices of Delinquencies are sent and the names of such candidates are posted on the JCOPE website.

Commissioner Smalls asked how many candidates had outstanding filings. General Counsel Stamm stated that it is a rolling process because the obligation to file starts upon an individual becoming a candidate, but JCOPE would be sending out between 100-200 Fail to File notices. General Counsel Stamm noted that these are not just for majority parties; there are many smaller parties fielding candidates. JCOPE is also pursuing compliance with statewide candidates and has already sent out at least once Notice of Delinquency to one candidate for statewide office. Commissioner Smalls asked about the total number of expected filings. Deputy General Counsel Levine stated that there are 213 seats up for election, so with likely 2-3 candidates for each seat, there is a 400-600 candidate range.

### **First Quarter Financial Report**

Director of Administration Stephen Boland stated that in the 2018-19 SFY enacted budget, JCOPE received an appropriation of \$5,582,000, which is the same appropriation as the previous year. DOB allocated the agency a cash allowance of \$5,531,000. For the first

quarter, the agency spent, in personal services, almost \$1,215,000, or just under 26% of the agency's cash allowance. For non-personal services, the agency spent \$149,000, or 16% of its cash allowance. Total expenditures were \$1,363,000, or 24.7% of the agency cash allowance.

**IV. NEW AND OTHER BUSINESS**

Commissioner Yates requested that staff draft a legislative proposal which would amend Executive Law §94 to allow the Commission to authorize the Commission or a spokesperson to publicly address the status of an investigation, including whether one has been deferred at the request of a law enforcement agency. The proposal would provide an opportunity for the subject of investigation to give a reason why the information should not be disclosed, but would require a Commission vote. He suggested that all responses would go through either the Chair or the spokesperson; Commissioners would still be bound to confidentiality. Executive Director Agata stated that staff would prepare a draft for review.

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

A motion was made by Commissioner Yates, seconded by Commissioner Jacob, 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 discussed a litigation matter, approved two settlements, commenced investigations, discussed and voted on other investigative matters, and discussed a personnel matter.

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

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