

**MINUTES OF THE PUBLIC SESSION OF THE  
FEBRUARY 26, 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)  
Colleen C. DiPirro (BUF)  
William P. Fisher (ALB)  
Julie A. Garcia (ALB)  
Daniel J. Horwitz (NYC)  
Marvin E. Jacob (WebEx)  
Gary J. Lavine (WebEx)  
George H. Weissman (WebEx)  
James A. Yates (NYC)

David J. McNamara (Telephone, not voting)

**Members**

**Absent:** None

**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  
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 A. Logue, Deputy Director of Investigations and Enforcement  
Michael Sande, Deputy Director of Ethics Guidance  
Meghann Hennigan-Cohen, Deputy Director of Education  
Erin Lynch, Special Counsel for Lobbying  
Kavita Bhatt, Associate Counsel  
Kristin DiFrancesco, 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  
Erica Davis, Intern

**I. CALL TO ORDER**

Chair Rozen called the February 26, 2019 meeting to order.

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

**January 29, 2019**

General Counsel Monica Stamm stated on page 5, section V, concerning the motion to enter into Executive Session, it should be corrected to reflect that Commissioner Garcia made the motion and it was seconded by Commissioner DiPirro. A motion was made by Commissioner Horwitz, seconded by Commissioner Yates, to approve the minutes from the Public Session of the January 29, 2019 Commission Meeting, as amended. The motion was approved by a unanimous vote.

**III. REPORT FROM STAFF**

**Outreach Update**

Executive Director Seth Agata stated that the annual report is being prepared by staff. A forum for agency ethics officers was recently held on the subject of Financial Disclosure Statements. An ethics reminder will be forthcoming on the subject of student interns.

**Update on Lobbying Application**

Deputy Director of Lobbying Guidance Carol Quinn stated that staff is gearing up to launch the bi-monthly reports and disbursement of public monies reports in the new lobbying application. Detailed written instructions for filers will be available, as well as how-to videos. Staff encourages filers to utilize the resources available on the website, as well as the Help Desk, which will be available to take calls. With this new launch, users will begin to see the streamlining benefits of the new lobbying application.

**Third Quarter Financial Report**

Director of Administrative Service Stephen Boland presented the third quarter financial report:

	Personal Service	Non-Personal Service*	Totals
Third Quarter	\$1,222,000	\$186,000	\$1,408,000
Year to Date	\$3,472,000	\$476,000	\$3,948,000
Percentage of Annual Cash Allowance	75.0%	52.0%	71.4%

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

He stated that he anticipated the Commission will come in under the total cash allowance threshold for the year.

**Update on JCOPE Legislative Proposal Regarding Confidentiality**

Executive Director Agata stated that since the last meeting, he has reached out to the counsels for each majority conference in the Legislature, as well as to Governor’s Counsel, regarding the JCOPE legislative proposal on disclosure and transparency, and to date, has not received a response from any party. He stated that the proposal still is on the JCOPE website.

**IV. NEW AND OTHER BUSINESS**

**Proposed Meeting Schedule – July through December 2019**

Executive Director Agata stated that a proposed meeting schedule for the remainder of the year is included in the meeting book materials for review. General Counsel Stamm asked the Commission to let staff know of any conflicts before the schedule is finalized.

Commissioner Yates stated that the Commission currently has two legislative vacancies, one from Senate Majority Leader Andrea Stewart-Cousins and one from Assembly Minority Leader Brian Kolb. He stated that given the Commission’s voting structure, it is

difficult for the Commission to fulfill its duties with such vacancies, and asked if either leader had reached out to JCOPE regarding filling these vacancies. Executive Director Agata stated that he had reached out to Stewart-Cousin's counsel after the initial vacancy occurred, and again when the new Senate Majority was in place, with no response in either instance. Regarding the Assembly Minority vacancy, it has been almost two years since the appointee left the Commission, and Executive Director Agata has sent a number of emails to conference counsel concerning the necessity of appointing someone, and to date has not received a response.

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

**§ 94(19)(B)**

A motion was made by Commissioner Yates, seconded by Commissioner Horwitz, 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 stated that in Executive Session, the Commission discussed litigation, approved an exemption under Public Officers Law § 73(8-b), approved one settlement agreement, commenced one Substantial Basis Investigation, authorized actions in several pending matters, and discussed several other investigative matters.

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

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