

**MINUTES OF THE PUBLIC SESSION OF THE
MAY 21, 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 (NYC)
Gary J. Lavine (WebEx)
James W. McCarthy (ALB)
David J. McNamara (BUF)
George H. Weissman (ALB)
James A. Yates (NYC)

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
Michael Sande, Deputy Director of Ethics Guidance
Meghann Hennigan-Cohen, Deputy Director of Education
Melinda Funk, Deputy Director of FDS
Erin Lynch, Special Counsel for Lobbying
Kavita Bhatt, Associate Counsel
Kristin DiFrancesco, Associate Counsel
Patrick E. Coultry, Chief Investigator
Peter J. Smith, Investigator
Lori Donadio, Principal Investigative Analyst
Katherine Santandrea, Secretary to the Commission

[Commissioner Yates not present]

I. CALL TO ORDER

Chair Rozen called the May 21, 2019 meeting to order.

II. APPROVAL OF MINUTES – PUBLIC SESSION

April 30, 2019

A motion was made by Commissioner Horwitz, seconded by Commissioner Weissman, to approve the minutes from the Public Session of the April 30, 2019 Commission Meeting. The motion was approved by unanimous vote.

III. REPORT FROM STAFF

Outreach Update

Executive Director Agata stated that the Commission, together with New York Law School, has scheduled a CLE program for September 26. The Commission will issue an updated edition of its book, Ethics & Lobbying in New York State: A Comprehensive Guide, in advance of the program.

Also, later in the week Commission staff will be meeting with a group of prosecutors from Serbia on various topics. An Ethics Reminder will be going out soon on the subject of crowdfunding as a public officer. Staff will continue to offer specialized ethics training; one such training was recently offered to the Public Service Commission.

Annual Financial Disclosure Statements

Executive Director Agata stated the FDS filing deadline for many State employees was May 15. Legislative filings are due to the Commission by June 30 via the Legislative Ethics Commission; those filings should be posted publicly the first week of July.

Year End Financial Report

Director of Administration Stephen Boland presented an overview of the end of the 2018-19 fiscal year:

	Personal Service	Non-Personal Service*	Totals
Fourth Quarter	\$ 1,165,397	\$ 254,617	\$ 1,420,014
Fiscal Year 2018-19	\$ 4,524,033	\$ 731,117	\$ 5,255,150
Percentage of Annual Cash Allowance	97.9%	80.3%	95%

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

Commissioner Fisher asked if the Commission in danger of overspending its appropriation in the coming year, given the Commission’s tight finances and salaries going up. Executive Director Agata stated that while it is tight, Commission staff has been managing within budget for the past few years.

[Commissioner Yates joined the meeting at the 25 Beaver Street location]

Update Regarding NYC and Buffalo Office Spaces

General Counsel Monica Stamm stated that OGS entered into a lease extension and expects to have a short-term lease agreement for the New York City space, which will cover the period while the building owner renovates the building. JCOPE will have its own lease agreement and no longer be under HCR’s agreement. The building owner will begin renovating the lobby in Fall 2019 and then begin renovating the elevators in 2020. JCOPE is estimated to move into a new larger space on the 5th floor in early 2021 and will ultimately enter into a 15-year lease agreement.

Staff recently learned that all State agencies with offices in the Mahoney State Office Building in Buffalo will be moved due to a need for significant renovation. The Buffalo JCOPE office will be moved to a temporary space.

IV. NEW AND OTHER BUSINESS

Commissioner Yates stated that he wanted to address the vacancy left on the Commission by the Senate Democrats and hopes the Senate will soon fill the vacancy as it makes the work of the Commission more difficult.

Commissioner Lavine asked for an update on any discussions with the Legislature regarding the FDS requirements. Executive Director Agata stated that on a staff level, there has been work on creating a simplified FDS form, staff has been discussing the process with the Legislative Ethics Commission, and it may be a topic of discussion at the September 26 CLE. Commissioner Lavine re-iterated his strong view that having 30,000 State employees filing the current FDS is antithetical to JCOPE's mission. Executive Director Agata stated that making a change to the process is not an administrative act in the hands of the Commission but is legislation which would need to be negotiated by the Legislature and the Governor.

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

A motion was made by Commissioner Horwitz, seconded by Commissioner Dering, to enter into Executive Session pursuant to Executive Law § 94(19)(b). The motion was approved by a vote of 12-0-1. Commissioner Yates was not present.

VI. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

[Commissioner DiPirro left the meeting during Executive Session]

Chair Rozen stated that in Executive Session, the Commission authorized steps in several investigative matters and discussed several other investigative matters. Chair Rozen made the following announcement:

After serving more than three years as Executive Director of JCOPE, and after more than 20 years of public service, Seth Agata notified the

Commission prior to the April meeting that he will be stepping down following the June meeting. Seth will be joining a law firm to again pursue the private practice of law. I have established a sub-committee of the Commission to begin searching for a new Executive Director, and a job posting for the position will be made shortly.

VII. MOTION TO ADJOURN THE PUBLIC MEETING

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