

**MINUTES OF THE PUBLIC SESSION OF THE  
NOVEMBER 19, 2019  
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 (NYC)  
Colleen C. DiPirro (BUF)  
William P. Fisher (ALB)  
Daniel J. Horwitz (NYC)  
Marvin E. Jacob (WebEx)  
Gary J. Lavine (WebEx)  
James W. McCarthy (WebEx)  
David J. McNamara (BUF)  
George H. Weissman (ALB)  
James A. Yates (NYC)

**Members**

**Absent:** Robert Cohen

**Staff:** 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 Logue, Acting Director of Investigations and Enforcement  
Melinda Funk, Deputy Director of FDS  
Michael Sande, Deputy Director of Ethics Guidance  
Meghann Hennigan-Cohen, Deputy Director of Education  
Kavita Bhatt, Associate Counsel  
Kristin Abreu, Associate Counsel  
Jennifer Bliss, Associate Counsel  
Patrick E. Coultry, Chief Investigator  
Carolina Rivera, Investigator  
Lori Donadio, Principal Investigative Analyst  
Katherine Santandrea, Secretary to the Commission

**I. CALL TO ORDER**

Chair Rozen called the November 19, 2019 meeting to order.

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

**October 29, 2019**

A motion was made by Commissioner Dering, seconded by Commissioner Horwitz, to approve the minutes from the Public Session of the October 29, 2019 Commission Meeting. The motion was approved by a vote of 10-0-1. Commissioner McNamara abstained from voting.

**III. REPORT FROM STAFF**

**2020/21 Budget Request**

General Counsel Monica Stamm stated that the Commission has submitted a request for an appropriation of \$5.582 million, equal to Fiscal Year 2019-20 levels.

**Outreach Update**

General Counsel Stamm stated that the Commission will be sending two staff members to the Council on Governmental Ethics Laws annual conference in December. The annual conference has been a useful opportunity for staff to exchange ideas with the Commission's counterparts.

On January 16, the Commission will be holding its annual training for agency ethics officers on Financial Disclosure Statements so that agencies can prepare for the 2019 statements to be filed. Additionally, the Commission will be reviewing title exemptions this year. Agencies and unions have been notified that they will need to re-apply this year to maintain existing title exemptions.

Staff expect to issue the latest edition of the Commission newsletter by the end of the year. Staff are also planning to hold a training in early 2020 on the lobbying regulations and the

new lobbying application to address issues that have arisen in the past year; once the Commission has a date set, it will send out an announcement.

#### **Lobbying Application Update**

Deputy Director of Lobbying Carol Quinn stated that the Commission is continuing to roll out new functions of the lobbying application. Automatically generated client semi-annual reports, as well as extension requests, will be rolled out in the next few weeks. Terminations will be released after that, followed by withdrawals and failure to file notices. New features and functions continue to be added to the public search query engine. Staff is currently working on improving search optimization.

Commissioner Weissman asked when the staff anticipated the lobbying application to be fully functional. Deputy Director Quinn stated that the project is slated for completion around April 2020.

#### **IV. NEW AND OTHER BUSINESS**

Commissioner Lavine asked Chair Rozen whether the letter to the Commission from the Deputy Inspector General was confidential. General Counsel Stamm stated that if Commissioner Lavine was asking for her legal opinion, she would not be comfortable giving legal advice in the Public Session. Commissioner Lavine stated that his impression was that the letter was not confidential, and unless told otherwise, he was going to move that the letter be released by the Commission immediately. Commissioner Horwitz stated that the motion was out of order, noting that Counsel should provide legal advice in a confidential setting. If, after a robust discussion with counsel, it was determined to not be a privileged matter, then it can be discussed in the Public Session; historically, the Commission has always been careful about waiving privilege. Commissioner Weissman noted that Commissioner Horwitz instituted a considerable amount of transparency during his tenure as Chair of the Commission, and Chair Rozen has continued and expanded it to the extent he has been able to. Commissioner Weissman stated that he had read the Inspector General's statute, and does not view the letter as confidential.

Chair Rozen asked the Commission take up the matter in Executive Session, and if at that point the Commission decides there is no prohibition in releasing the letter publicly, it can do so when the Commission comes back into Public Session. Commissioner Horwitz agreed with the Chair and stated that he wanted the Commission to discuss the issue of privilege in Executive Session.

Commissioner Lavine noted that the individual Commissioner votes taken in Executive Session could not be divulged. General Counsel Stamm agreed, but stated that a vote did not necessarily need to take place in Executive Session. That said, that there may be commissioners who would want the advice of counsel and have the opportunity to have counsel answer questions about privilege and confidentiality that would apply to the issue. Commissioner Lavine asked and General Counsel Stamm confirmed that the Commission could return to the Public Session and take a vote once availed of counsel's advice.

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

A motion was made by Commissioner Dering, seconded by Commissioner Horwitz, to enter into Executive Session. 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 matters, authorized steps in several investigative matters, and discussed several other investigative matters.

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

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