

**MINUTES OF THE PUBLIC SESSION OF THE
DECEMBER 17, 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)
William P. Fisher (NYC)
Daniel J. Horwitz (NYC)
Marvin E. Jacob (WebEx)
Gary J. Lavine (WebEx)
James W. McCarthy (WebEx)
David J. McNamara (BUF)
George H. Weissman (WebEx)
James A. Yates (NYC)

Members

Absent: Colleen C. DiPirro

Staff: Monica J. Stamm, General Counsel
Martin L. Levine, Deputy General Counsel
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
Michael Sande, Deputy Director of Ethics Guidance
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

[Commissioners Cohen and Horwitz were not present]

I. CALL TO ORDER

Chair Rozen called the December 17, 2019 meeting to order.

II. APPROVAL OF MINUTES – PUBLIC SESSION

November 19, 2019

A motion was made by Commissioner Dering, seconded by Commissioner Fisher, to approve the minutes from the Public Session of the November 19, 2019 Commission Meeting. The motion was approved by unanimous vote.

III. REPORT FROM STAFF

Outreach Update

General Counsel Monica Stamm stated that two members of JCOPE senior staff were attending the annual Council on Governmental Ethics Laws conference. Staff plan to issue the latest edition of the Commission's newsletter shortly. On January 16, the Commission plans to host its annual training for agency ethics officers on Financial Disclosure Statements in preparation for the Calendar Year 2019 filings. On February 5, the Commission plans to hold a training in Albany on the lobbying regulations and application to address issues and questions that have arisen in the last year.

Lobbying Regulations

General Counsel Stamm stated that staff is working on revisions to the lobbying regulations to clarify various issues that have come up over the last year, and to do some planned cleanup of the regulations. Staff expects to present proposed changes to the regulations at the next meeting.

IV. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO EXECUTIVE LAW

§ 94(19)(B)

A motion was made by Commissioner Yates, seconded by Commissioner Fisher, to enter into Executive Session. The motion was approved by unanimous vote.

[Commissioners Cohen and Horwitz joined the meeting during Executive Session]

V. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Chair Rozen stated that in Executive Session, the Commission discussed litigation and personnel matters, authorized steps in several investigative matters, closed two matters, and discussed several other investigative matters.

VI. NEW AND OTHER BUSINESS

Commissioner Lavine made the following statement:

After 11 months there is no credible conclusion to the leak investigation; the Inspector General's report on its face is not credible. One might say, and therefore I will say, the credibility of this Commission and the Office of the Inspector General are now dead letters. We should begin the autopsies now. In 2009, after numerous investigations of the political weaponization of the State Police, and numerous leaks from the Commission on Public Integrity, the then State Commission on Investigation conducted a process review, a comprehensive review, which resulted in recommendations, specifically integrating and combining the functions of the Inspector General with the ethics commission. Without foreordaining any conclusion, I believe it is now imperative that another review be conducted. The Commission should undertake a self-assessment of its operations, its management and its effectiveness. We should also conduct an overall assessment of the effectiveness of the Office of the Inspector General. All with the objective of making recommendations to the Governor and the Legislature for fundamental reform. It is my view there is no question that we have the authority to conduct such a review. I am very hopeful that the Governor will take the lead in the reform. We

have to do our part. Therefore, I move that the Commission initiate an assessment of both the Commission itself and the Office of Inspector General, and that outside counsel be engaged to facilitate the review.

The motion was seconded by Commissioner Weissman. Commissioners Lavine, McCarthy, McNamara and Weissman voted in favor of the motion. Chair Rozen, Commissioner Cohen, Commissioner Dering, Commissioner Fisher, Commissioner Horwitz, Commissioner Jacob, and Commissioner Yates opposed the motion. The motion did not carry by a vote of 4-7-0.

VII. MOTION TO ADJOURN THE PUBLIC MEETING

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