

**MINUTES OF THE PUBLIC SESSION OF THE  
APRIL 9, 2021  
COMMISSION MEETING  
OF THE JOINT COMMISSION ON PUBLIC ETHICS  
VIA WEBEX**

**Chair:** Camille Varlack (WebEx)

**Members:** Richard F. Braun (WebEx)  
Robert Cohen (WebEx audio only)  
James E. Dering (Albany)  
Colleen C. DiPirro (WebEx)  
William P. Fisher (WebEx)  
Daniel J. Horwitz (WebEx audio only)  
Marvin E. Jacob (WebEx audio only)  
Gary J. Lavine (WebEx audio only)  
James W. McCarthy (WebEx audio only)  
David J. McNamara (WebEx)  
Juanita Bing Newton (WebEx)  
George H. Weissman (Albany)  
James A. Yates (WebEx)

**Staff:** Monica J. Stamm, General Counsel  
Martin L. Levine, Deputy General Counsel  
Keith St. John, Director of Ethics  
Emily Logue, Director of Investigation and Enforcement  
Michael Sande, Deputy Director of Ethics Guidance  
Walter J. McClure, Director of Communications and Public Information Officer  
Lori A. Donadio, Principal Investigative Analyst  
Kelly McCready, Confidential Clerk

**I. CALL TO ORDER**

Chair Varlack called the April 9, 2021 meeting to order and noted that the meeting was being held using video conference technology and that the public session is accessible on JCOPE's website to watch via livestream. She also noted that all votes would be taken via a modified roll call. Chair Varlack welcomed the Commission's newest and fourteenth member of the Commission, Juanita Bing Newton.

## II. STATEMENT FROM COMMISSIONER WEISSMAN

Commissioner Weissman read the following statement into the record:

The New York State Constitution requires Commissioners to "faithfully discharge the duties of the office according to the best of his or her ability."

Inherent to carrying out this mandate is knowing information that comes within the purview of the Commission and its staff. A former Commissioner, Ravi Batra, once coined the terms "Super Commissioners" and "Inferior Commissioners" to distinguish those Commissioners who are privy to information from those who, by virtue of their appointing authority, are not. This is magnified when staff for whatever reason withholds information from some Commissioners yet provides it to others.

Once again it has become apparent that information has been withheld from certain Commissioners. Commissioners are now being told that to be denied information, confidential or otherwise, is confidential in and of itself. Unfortunately, this discussion has been ongoing since virtually the inception of the Commission. The fact that parties outside the Commission can deem information when provided to the Commission confidential and then have it withheld from Commissioners is the first fallacy perpetrated. The second is the position itself, which falls into the category of *reductio ad absurdum*.

One cannot faithfully discharge their constitutionally mandated duties without all available information. The argument that being deprived of information is confidential in and of itself turns the Commission into a Star Chamber presided over by the Super Commissioners.

Commissioner Lavine asked Chair Varlack if one or more of the gubernatorial cohorts objected to his communications with the media. Chair Varlack did not understand what

Commissioner Lavine was referring to but stated that the Commission had a full Executive agenda and that his question could be discussed in new and other business. Commissioner Lavine stated that he would address Commissioners' objections in the Public session but would not participate in such a discussion in Executive Session.

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

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

**IV. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION**

General Counsel Stamm stated that in Executive Session, the Commission discussed and authorized steps in investigative matters.

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

Upon motion made by Commissioner Weissman, seconded by Commissioner Dering, the Public Session was adjourned by unanimous vote. Commissioners Cohen, Horwitz, DiPirro and McCarthy were not present for the vote.