

**MINUTES OF THE PUBLIC SESSION OF THE
OCTOBER 5, 2021
COMMISSION MEETING
OF THE JOINT COMMISSION ON PUBLIC ETHICS
540 BROADWAY
ALBANY, NEW YORK**

Chair: Jose Nieves (WebEx)

Members: Richard F. Braun (WebEx)
Colleen C. DiPirro (WebEx)
Sharon Stern Gerstman (WebEx)
William P. Fisher (Albany)
Randall Hinrichs (WebEx)
Marvin E. Jacob (WebEx)
Gary J. Lavine (WebEx)
James W. McCarthy (WebEx)
David J. McNamara (WebEx)
Juanita Bing Newton (WebEx)
George H. Weissman (Albany)
James A. Yates (WebEx)

Staff: Sanford N. Berland, Executive Director
Walter J. McClure, Director of Communications and Public Information Officer
Kelly A. McCready, Confidential Clerk

I. CALL TO ORDER

Chair Jose Nieves called the October 5, 2021 meeting to order pursuant to Executive Law § 94(4).

Commissioner McNamara stated that nine Commissioners called for this special meeting for the Commission to consider and vote on a proposed resolution that would give the Commission authority to engage outside counsel to conduct an inquiry of the facts, circumstances, policies, and practices into the conditional approval of former Governor Cuomo’s request for authorization to engage in the outside activity approval for personal profit on the book “American Crisis: Leadership Lessons from the COVID-19 Pandemic.”

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

A motion was made by Commissioner McNamara, seconded by Commissioner Gerstman, to enter into Executive Session pursuant to Executive Law § 94(19)(b). Commissioners Braun, DiPirro, Gerstman, Fisher, Hinrichs, Jacobs, McCarthy, McNamara, Newton, Weissman, and Yates voted in favor of the motion. Commissioner Lavine opposed the motion. The motion carried with a vote of 12-1.

III. PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

[Commissioner DiPirro was not present for this portion of the meeting]

Chair Nieves stated that during the Executive Session, the Commission voted to approve a resolution to retain independent counsel to conduct an inquiry into legal and procedural operations of the Commission and there will be further action at a future date.

IV. MOTION TO ADJOURN THE PUBLIC MEETING

A motion was made by Commissioner Weissman, seconded by Commissioner Fisher, to adjourn the meeting. The motion was approved by unanimous vote.