

**MINUTES OF THE PUBLIC SESSION
OF THE MARCH 20, 2024
MEETING OF THE COMMISSION ON ETHICS
AND LOBBYING IN GOVERNMENT**

**540 BROADWAY
ALBANY, NEW YORK 12207**

**25 BEAVER STREET, 5TH FLOOR
NEW YORK, NEW YORK 10004**

Chair: Frederick A. Davie (NYC)

Vice-Chair: Leonard B. Austin (NYC)

Members: Ava Ayers (NYC)
Dolly Caraballo (NYC)
Michael A. Cardozo (NYC)
Claudia L. Edwards (NYC)
Nancy G. Groenwegen (ALB)
Seymour W. James, Jr. (NYC)

Staff: Sanford N. Berland, Executive Director (NYC)
Keith C. St. John, General Counsel (NYC)
Kavita K. Bhatt, Deputy General Counsel (NYC)
Carol Quinn, Director of Lobbying (ALB)
Michael Sande, Director of Ethics (NYC)
Emily DeSantis, Director of Communications, Public Information Officer
and Director of Public Affairs (ALB)
Brian Weinberg, Director of Investigations and Enforcement (NYC)
Erin Lynch, Deputy Director of Ethics (ALB)
Gareth Perrin, Deputy Director of Compliance Audit & FDS Review (WebEx)
Megan Mutolo, Deputy Director of Lobbying (ALB)
Meghann Hennigan, Deputy Director of Education (WebEx)
Melinda Funk, Deputy Director of Financial Disclosure Statement (WebEx)
Jennifer Bliss, Senior Investigative Counsel (ALB)
Lisa Levy, Associate Counsel (NYC)
Lori Donadio, Principal Investigative Analyst (WebEx)
Mariana Cadiz, Acting Director of Administration (ALB)
Gaetana Baldwin, Administrative Assistant (ALB)
Martha Rivera, Executive Assistant (NYC)

CALL TO ORDER

Chair Davie called the March 20, 2024 meeting to order. Executive Director Sanford Berland announced this meeting was being held pursuant to and in accordance with the state's Open Meetings Law and Section 94 of the Executive Law. He stated that the conference room being used at the Commission's offices at 25 Beaver Street in Manhattan, as well as the conference room at the Commission's offices in Albany at 540 Broadway, are open to the public during public session, and that the public session was being live streamed, the link for which could be found on the Commission website at www.ethics.ny.gov. Executive Director Berland confirmed that a quorum was present for the meeting.

APPROVAL OF MINUTES – PUBLIC SESSION

February 21, 2024

Chair Davie asked if there was a motion to approve the minutes of the open session of the Commission meeting held on February 21, 2024. A motion was made by Commissioner Ayers and seconded by Commissioner James to approve the public session minutes.

Chair Davie asked if there were any additions and corrections. Commissioner Edwards brought attention to page 5, where the minutes stated that she had confirmed the Education Committee had provided feedback, making the correction she had said that the committee was aware of the survey being sent out, but had not provided feedback. Vice-Chair Austin pointed to a typographical error on page 3 of the public minutes, where an "r" had been inadvertently omitted from the word that should have read "were."

The motion to approve the minutes as amended carried 7-0-1, with Vice-Chair Austin abstaining.

February 28, 2024

Chair Davie asked if there was a motion to approve the minutes of the open session of the February 28th, 2024 Commission meeting. A motion was made by Commissioner Ayers and seconded by Commissioner Edwards.

Commissioner Cardozo addressed an email that was circulated with his corrections to the open session minutes, advising that the motion to enter into Executive Session pursuant to Public Officers Law § 105 and Executive Law § 94(11) to address matters concerning employment of personnel, pending litigation, and investigative and enforcement matters that are confidential pursuant to § 94 of the Executive Law was unnecessary. Chair Davie assured members the corrections for February 28th would be sent to the scribe for the meeting.

The motion to approve the minutes as amended passed unanimously.

Executive Director Berland expressed that he would like to make a note about the February 21, 2024 public session minutes, and it would not affect the vote to approve the minutes. He referred to page 10, and informed the commissioners that staff reviewed the recording of the January 24, 2024 meeting, and confirmed that there was one abstention made by Commissioner Caraballo during the vote. Executive Director Berland stated that Commissioner Caraballo abstained from the February 21, 2024 vote, as well.

Commissioner Caraballo recalled that she did not abstain. Deputy General Counsel Kavita K. Bhatt stated that, according to the video recording, Commissioner Caraballo did abstain and Chair Davie called the vote at 7-0-1. Commissioner Caraballo asked if this was in relation to the vote concerning whether to allow Commissioners who have relationships with organizations that may support the Commission's legislative agenda to reach out to the relevant people in those organizations. Deputy General Counsel Bhatt confirmed that this was in relation to that vote. Commissioner Caraballo stated that she voted in the negative, and Commissioner Edwards abstained. Deputy General Counsel Bhatt stated that if Commissioner Edwards abstained, it was not reflected in the vote, because the vote was called 7-0-1, and Commissioner Caraballo's hand was raised for the abstention. Deputy General Counsel Bhatt informed Commissioner Edwards that if she meant to vote no or abstain, it was not reflected in the vote and recording.

Commissioner Caraballo explained why she voted. Deputy General Counsel Bhatt said that in the recording, Commissioner Caraballo stated she was abstaining because she felt she did not have enough information. Deputy General Counsel Bhatt explained that the discussion around the vote

was captured in the video, and the clarification did not affect the vote taken at the last meeting, nor does it affect the vote on the minutes. She further explained that the intention was to clarify, because at the February meeting, Commissioner Caraballo had corrected the January minutes, but after staff checked the January recording, Commissioner Caraballo's "correction" was shown to not be correct. Commissioner Caraballo pointed out that Commissioner Edwards could not vote to withdraw the original vote. Executive Director Berland assured that there was not a functional issue, but staff wanted to ensure that the record was consistent with the recording.

REPORT FROM STAFF

Operations Update

Executive Director Berland called the Commission's attention to the operations update, under tab C in the agenda book, and noted that as before, it shows relevant activity for the most recent month, February 2024, in the first column, and activity for the preceding month of January 2024 in the second column. He noted that comparable monthly and year-to-date periods for 2023 were in columns three and five, and the current year to date could be found in column four. He referred to the Investigations report on page one, noting that a total of 12 tips, complaints, and referrals were received, about which Commissioners receive weekly notifications. Executive Director Berland further noted that 14 matters were closed, including 4 continued matters from the prior agency, and 10 from the COELIG era, and that there were 144 matters pending and 44 open investigations. By comparison, there were 148 pending and 42 open matters in January. Director of Investigations and Enforcement Brian Weinberg added that staff had issued two 15-day letters as they continue to move cases, which will be discussed further in executive session, and he restated that staff are working through the matters from the previous agency, including closing 4 continued matters.

Executive Director Berland called attention to page two of the Monthly Operations Report, under Tab C and reported that there were 86 total requests for guidance for the month of February, coordinate with the January total, with the requests sorted by category, as well. Director of Ethics Michael Sande stated that February was a busy month for guidance, since the total requests for guidance was the highest monthly figure in some time, and that there seemed to be a two-month trend of increasing numbers. He reported that the staff had addressed a backlog of outside activity

requests and, at this point, all outstanding activity requests have been addressed by a final approval letter, a draft letter that was under review, or a request for further information from the requester.

Executive Director Berland turned to the lobbying report on page 3, and stated that the increase in the number of registered lobbyists and the number of clients as compared with the prior year was due to 2024 being the second year of the current biennial registration cycle. He noted that the number of lobbying inquiries had decreased since January, but suggested this is the result of the legislative session having begun. Director of Lobbying Carol Quinn echoed that these were typical numbers, and noted that the Lobbying Division had held a Lobbying Application Basics training on February 27th to assist filers with bimonthly reports and how to file them. Director Quinn informed the Commission that the bimonthly reporting deadline was on March 15th, and staff is reviewing the bimonthly reports that were submitted. She confirmed that the Lobbying division was working on draft regulations, as well.

Executive Director Berland referred to the FDS report on page four and noted that 393 Failure-To-File notices were issued in February, and there were 351 outstanding filings at the end of the month, so a number of filings had been completed after the notices were issued. He explained that there is a 15-day grace period after the notices go out, where staff contacts the filers directly to bring the filers into compliance, and then, if the filers do not file within that time, notices of delinquency are issued. He stated that 142 notices of delinquency were issued in February, and these notices are posted on the website and are sent to the filers and to the ethics officers and principals of their agencies. Deputy Director of Financial Disclosure Melinda Funk informed the Commission that 278 of the Failure-To-File notices, that were issued in February, have since been resolved, with 115 left. She explained that the Notices of Delinquency are now at 50% compliance, and that as of today, 88 filers have not filed and 88 individuals have resolved their outstanding filings.

Executive Director Berland directed the Commissioners' attention to the training statistics on page five, pointing out that the staff is continuing to report, separately, the numbers of employees who are receiving live comprehensive ethics training administered by COELIG's training staff, those who are receiving live comprehensive ethics training from their own agency personnel, and those

who are using the on-demand training online ethics vehicle that has been available since November. Executive Director Berland further reported that there was a substantial increase from January to February in the number of employees taking the on-demand course, with a little over 3,500 taking the course in January, and over 9,000 taking it in February, with the number expected to continue to grow throughout the year.

Deputy Director of Education Meghann Hennigan and Deputy Director of Learning Innovation and Administration Marlana Diaz presented an update on the training unit's work on the Statewide Ethics Training Application (SETA). Deputy Director of Learning Innovation and Administration Diaz stated that the first phase of SETA, which allows agencies to upload aggregate monthly ethics training numbers directly to COELIG, was launched on February 7, 2024, and 264 ethics officers, training compliance officers, and agency contacts are utilizing the application, with 377 agencies creating agency profiles, including 168 standard agencies, 23 parent agencies, and 186 subsidiary agencies. She informed the Commission that they are beginning to collect data for the number of CETC sessions conducted statewide across the agencies, with 181 sessions conducted across the Executive Branch in January, and 133 in February, resulting in 314 sessions in that two-month period. She further reported that the number of employees who attended live CETC increased from the prior year, with 4,744 attending in January and 4,056 attending in February, for a total of 8,800 in those two months.

Deputy Director of Education Hennigan presented an update highlighting the training activities of COELIG's training unit so far in 2024. She estimated that from January through March there will be between 2,000 and 2,500 people trained by COELIG staff, which is an increase from training 150 people per month in 2023. She reported that the unit is aiming to conduct 15 to 16 sessions per month. Deputy Director of Learning Innovation and Administration Diaz added that outreach and trainings are also being done with employees of SUNY/CUNY, and the unit is continuing to develop training curricula and to create customized live trainings for various agencies.

Commissioner Edwards asked if the trainings were conducted online or in person. Executive Director Berland responded that the live trainings are conducted by agencies in person or online, and the on-demand courses are online only. He explained that the COELIG courses provided by

COELIG's in-house training staff are available to any State employee who needs it. Commissioner Edwards asked about the average class size, and Executive Director Berland replied that the class sizes vary, but the number is reaching the hundreds as the training unit has raised the limit on maximum class size to meet the expanded mandatory training requirement. Commissioner Cardozo asked if the Commission conducts surveys regarding the trainings. Deputy Director of Learning Innovation and Administration Diaz confirmed that there is an evaluation after each training, and staff adjusts the training based on user feedback; in addition, Deputy Director of Education Hennigan has created a survey for ethics officers and training staff. She noted that the training staff had held a meeting earlier that morning on implementing the user feedback to improve the training.

Commissioner Edwards asked if they had the overall feedback from the survey. Deputy Director of Learning Innovation and Administration Diaz explained that they are still collecting responses from agency users, and that as of now, they have 82 results out of the 264 users polled. Executive Director Berland noted this is a substantial number, as those who have responded represent at least one-third of the workforce. Commissioner Edwards explained that she would like to view the data and get an idea of the overall response. Deputy Director of Learning Innovation and Administration Diaz reported that they gave survey participants until the end of this month to complete the polls, and the unit could have the data available for the next Commission meeting. Commissioner Edwards asked if the commissioners could be sent a copy of the survey. Executive Director Berland explained that it was available online, but a copy could be provided to her.

Executive Director Berland called the Commission's attention to the Audit and Review chart on page 6, and reported that there was a normal cyclical shift, with the focus shifting for the month from random to targeted FDS reviews. The chart also detailed the number of requests for additional information issued by staff. Deputy Director of Compliance Audit and Review Gareth Perrin noted that the zero numbers that they see in certain columns some months are due to the unit's cyclical schedule for conducting random and targeted reviews. In February, for example, there were no random FDS reviews conducted because the unit had completed their predefined list of random reviews, and therefore the targeted reviews numbers are going to be higher. Executive Director Berland noted that the year-over-year numbers have been relatively constant, but that Deputy Director of Compliance Audit and Review Perrin would like to increase the number of audits his

auditors perform and they are looking at augmenting the unit's staff and implementing new organizational ideas.

Executive Director Berland turned to the Public Information Office chart, on page 7, and noted that there has been an ongoing increase in the number of records access requests, with 17 in February and 12 in January, with the number of pending requests consistently low. Director of Communications, Public Information Officer and Director of Public Affairs Emily DeSantis informed the Commission that the unit had begun reporting the total number of pages released, with over 20,000 Executive Law section 166 forms released in February, which are now available to requesters by email or from the division's SharePoint site. She added that Associate Counsel Lisa Levy has been assisting the FOIL team. Commissioner Cardozo added that the Reinvent Albany group had complimented the Commission on its ability to respond to FOIL requests as rapidly as it has been doing.

Commissioner Cardozo asked Director of Investigations and Enforcement Weinberg if there was progress filling the open positions in his unit. Director of Investigations and Enforcement Weinberg stated that they were working on it. (Further detail could not be given in open session.)

FY 2023-2024 Budget Update

Executive Director Berland reported that, as expected, the agency will not be using all of the personal services side of its budget, as open positions are gradually being filled at the agency, and the excess will be applied to meet non-personal services expenses, which have exceeded that side of the appropriation. Chair Davie asked about the long-term plan for the budget. Executive Director Berland explained that they hope to implement a new case management system before the end of the fiscal year, which they will need to work through with the Division of the Budget and the Office of Information Technology Services. Executive Director Berland noted a correction to the amount under Contractual Services in the 4th quarter projection, from \$766,493 to \$671,825. Commissioner Edwards asked if unspent dollars carried into the next fiscal year or if the monies would be lost; Executive Director Berland stated the excess would be lost.

FY 2024-2025 Budget Update

Executive Director Berland turned to tab E, and explained that the attachment shows proposed state budget appropriations as they affect the Commission's budget on both the Assembly and the Senate side. He reported that the Commission is being given a little under \$8.1 million. He reminded the Commission that they had asked for an increase to cover nonpersonal expenses but received the requested amount in the personal services appropriation, together with an additional increment to cover anticipated mandatory step increases. He explained that in the Senate budget bill, there was a proposal that, for lobbying registrations, filings, and reporting, the threshold for filing requirement, with respect to 501(c)(3) organizations, be increased from \$5,000 to \$10,000, with the same threshold being applied to filing fees. He stated that there may be a broader impact in terms of eliminating exemptions that currently exist when lobbyists are filing for entities that are not expected to be spending in excess of \$5,000 during the coming year. Executive Director Berland further explained that the registrations must be made if the lobbyist has to register because their total book of business is \$5,000, but for their individual clients, the threshold would not be breached, so they do not pay the \$200 filing fee. However, the Senate bill, as drafted, raises that threshold to \$10,000 for 501(c)(3) organizations, but appears to eliminate the exemption for all other entities. He stated that they pointed this out to the chamber and to DOB.

Commissioner Cardozo asked if the Commission's budget proposes an increase in IT fees to reimburse the agency for the cost of needed technology improvements. Executive Director Berland explained that certain expenses, such as the new case management system for the Investigation and Enforcement Division, come out of the Commission's budget, but the work that ITS will do in implementing the system comes out of ITS's budget. He added that in succeeding years, executive staff will be looking to add improvements to other systems, including the financial disclosure system and other outside technologies that they would need to request funding for in future budgets.

Commissioner Edwards asked about how much the Commission brings in for the State's general fund from Commission fines and fees. Executive Director Berland said that they included the number in their budget submission at about half a million dollars. Director of Administration Mariana Cadiz confirmed that this was roughly the amount included in the budget. Executive Director Berland stated that a large portion of that number is from lobbying late fees.

Commissioner Per Diem Payments

Executive Director Berland turned the Commission’s attention to the table under Tab F, which includes per diem payments made, or shortly to be made, to Commissioners for the November 2023 Administration Committee and Commission meetings. He explained that variations are due to attendance at the committee meetings and the length of time commissioners were present for those meetings. He stated that the \$8,371.56 is part of the \$19,000 or so that he read into the record at the last Commission meeting, so there is another \$10,000 that is still being processed. Executive Director Berland added that there is an additional sum of roughly \$24,000 in process, covering the January Commission and Legislative Working Group meetings, as well as preparation time from January and from December of last year, which should be paid before the next meeting, and will be reflected in the reported figures once it is paid. In total, roughly \$35,000 in commissioner per diems should be paid in the coming months. Executive Director Berland provided the following projected Commissioner per diem payments:

Frederick Davie	\$1,022.48
Austin, Leonard B.	\$766.86
Ayers, Ava	\$1,022.48
Caraballo, Dolly	\$1,022.48
Cardozo, Michael A	\$1,022.48
Edwards, Claudia L	\$1,022.48
Groenwegen, Nancy G	\$766.86
James, Jr., Seymour W.	\$990.53
Whittingham, Kaylin	\$734.91

Total \$8,371.56

Reinvent Albany FOIL Report and Staff Statement

Executive Director Berland called the Commission’s attention to the press release and the report under Tab G and explained that Reinvent Albany conducted a survey with six different State agencies, and their response times in responding to FOIL requests. He reported that Reinvent Albany

found that the Board of Elections, which receives FOIL requests on such routine items as voting lists and records, is a little faster than COELIG, but COELIG is ranked second-fastest in terms of response time. He stated that it is a testament to the work being done by Director of Communications, Public Information Officer and Director of Public Affairs DeSantis and her team to respond to the FOIL requests. Chair Davie commended them for their hardworking commitment to making sure there is ultimate transparency in how they get information out as requested by members of the public. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis added that the report highlighted that the Commission put its lobbying data up on Open NY, and a news story the day before was about a researcher, who they have been working with over several months, who accessed the data and reported on spending that the real estate groups have devoted to lobbying activities over the past four years.

Commissioner Ayers asked about Executive Director Berland's reactions to the recommendations in the report, recognizing that the first recommendation regarding publishing financial disclosure forms is something they think is needed and that the fourth recommendation to digitize data for Section 166 forms is in the works. Executive Director Berland stated that COELIG has digitized the data, but where they need legislative work is in devising how the 11 agencies, that are required to have Section 166 forms filled out for certain appearances before them, can have that occur electronically in the first instance, since as COELIG is simply the repository of the data after agencies have collected the information on who is appearing before them.

Commissioner Ayers asked about the recommendations to educate the public better about data on the public search query or on open data and ensure that FOIL logs are completed and include consistent terminology. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis explained that recommendation number three was implemented immediately, and COELIG is continuously letting the public know, through social media and newsletters, about the data available via the public search query and Open NY. Executive Director Berland added that the lobbying group has been conducting training courses, which have been well received by the media, and are available to the public on the website. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis stated that the staff would like to conduct another large training again in the future.

MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS LAW § 105 AND EXECUTIVE LAW § 94(11) TO ADDRESS MATTERS CONCERNING EMPLOYMENT OF PERSONNEL, PENDING LITIGATION, AND INVESTIGATIVE AND ENFORCEMENT MATTERS THAT ARE CONFIDENTIAL PURSUANT TO SECTION 94 OF THE EXECUTIVE LAW

Vice-Chair Austin made a motion, seconded by Commissioner Cardozo, to enter into Executive Session pursuant to Public Officers Law § 105 and Executive Law § 94(11) to address matters concerning employment of personnel, pending litigation, and investigative and enforcement matters that are confidential pursuant to § 94 of the Executive Law. The motion carried unanimously.

PUBLIC ANNOUNCEMENT OF ACTIONS FROM EXECUTIVE SESSION

Executive Director Berland reported that, in Executive Session, the Commission discussed matters related to litigation and legal advice. The Commission approved informal guidance pursuant to Executive Law section 94(7). The Commission approved a formal advisory opinion pursuant to Executive Law section 94(7). The Commission authorized steps on several investigative matters. The Commission closed 14 matters, including five carryover matters and nine COELIG matters, and the Commission discussed several other investigative matters.

PROPOSED AMENDMENTS TO THE COMMISSION'S REGULATIONS AT 19 NYCRR CHAPTER XX, PART 943*

Director of Lobbying Quinn referred to tab H and explained that she is seeking to have the Commission proceed with commencing the process for three proposed public rulemakings and to grant her the authority to submit the requisite notices. She explained that once Commissioners vote to proceed, the proposed amendments to the Commission's lobbying regulations would be submitted to the State Register, after which there will be a 60-day public comment period. If there were then no comments or substantial revisions, the regulations would be brought back to the Commission for a vote for adoption. If there are substantial revisions, those revisions would be represented at that

time. Director of Lobbying Quinn presented the proposed amendments to the lobbying regulations as follows:

- Codifying the Commission’s late fee program and establishing criteria and requirements for requesting a waiver of a late filing fee.
- Clarifying who is responsible for the submission, completeness, and truthfulness of lobbying filings when the Lobbyist or Client is a person or organization. For organizations, the proposed amendments clarify that the Responsible Party must have legal authority to bind the Lobbyist or Client. If the Lobbyist or Client is a person, the Responsible Party is that person. Additionally, the proposed amendments make clear that the Responsible Party is not the individual whose sole responsibility or authority is to prepare lobbying filings for the Lobbyist or Client
- Clarifying how a member of a Coalition may be disclosed as a source of funding.
- Requiring the Responsible Party to submit training compliance information to the Commission on behalf of themselves, their organization and/or their organization’s Individual Lobbyists. Additionally, the Responsible Party must retain, for three years, a completed and executed affidavit of training completion by the organization’s Individual Lobbyists.
- The Proposed Rulemaking also includes other minor clarifying amendments.

A motion was made by Vice-Chair Austin, seconded by Commissioner Cardozo, to proceed with submission of the notices of proposed rule-makings to the State Register to begin the rule-making process. The motion passed unanimously.

EXECUTIVE LAW SECTION 94(1)(D) REVIEW PROCESS

Executive Director Berland referred to tab I, staff’s proposal, pursuant to Section 94(1)(d), for the review of the Commission’s regulations and of its (and its predecessors’) advisory opinions for consistency with one another and with the provisions of ECRA, and also for their effectiveness and the effectiveness of the existing enforcement structure. This language was included in our notice of the commission’s first annual hearing, and staff did propose, and the Commission ultimately adopted, conforming amendments to the full body of the Commission’s regulations to bring them into conformity with ECRA. Staff is proposing an inquiry-based approach in surveying interested

parties for recommendations they may have or shortcomings they see in the current regulations, advisory opinions, or in the way the agency is enforcing the ethics and lobbying laws of the State. The goal is to integrate this approach into our second annual public hearing process, so that the proposals coming out of this survey process and its analyses would then become part of the discussion at the next public hearing.

Commissioner James stated that as the Commission was directed to review the advisory opinions as a whole, there should be a timeframe for the Commission to complete this review of the advisory opinions and either approve the recommendations that staff has prepared or modify them. He stated Director of Ethics Sande had provided a lengthy list of the advisory opinions and the Commission needs to review those and make an assessment as to whether it wants to approve staff's recommendations. Commissioner James also stated the Commission has to decide whether to endorse advisory opinions of the predecessor agencies or change them without public input. Executive Director Berland stated his perspective is that there should be an integrated process in which we would be looking at the statutes and the regulations, as well as the advisory opinions, and the purpose of the advisory opinion is to flesh out the statutory framework and if something is not working within that framework, we have to look at whether a change in the statutes or regulations is required, as opposed to altering the interpretation of them in the advisory opinions.

Chair Davie stated that he believes it would be wise to have Commissioners go through and hear the staff and their recommendations on those advisory opinion as a first step, and after that, if those advisory opinions are going to result in recommendations for changes in legislation or other regulations, then the public comment process becomes part of promoting those changes as it would to any legislation that we would recommend or regulatory changes that we would also recommend. Chair Davie agreed with Commissioner James and stated that the Commission should start with reviewing staff's recommendations on those opinions by having a formal or full discussion.

Commissioner Carballo also agreed with Commissioner James. Commissioner Groenwegen stated that she agrees with Commissioner James that the Commission decide whether existing Advisory Opinions are good precedent, as Director of Ethics Sande had given an overview and thoughts on the existing opinions. Commissioner Groenwegen stated that as to the staff proposal on the

comprehensive review, it seemed very time-consuming, and put additional responsibilities on already fully-burdened staff. She continued that considering the placement of this language in Section 94(1)(d), it seemed to be a standard section, with standard boilerplate language to modify regulations to bring them in accordance with the newly created agency, and would be in favor of a simpler, more effective, less costly way to accomplish the review.

Commissioner Edwards referred to tab I, page six, phase 1D and asked what is the process for selecting a panel. Executive Director Berland replied they would ideally be individuals with some expertise in the ethics and lobbying laws of the state, who would be volunteers as the Commission has no budget for this, and they could give us an independent view of the survey results, so as to eliminate any potential bias on the part of staff and Commissioners and get an objective read on the proposals. Executive Director Berland stated it is unclear whether a panel could be assembled in a reasonable time frame and it may come down to getting volunteers to review the survey results and aid in compiling the recommendations. A discussion was held that included statistical approaches, surveys, coding, methodology, and ECRA requirements.

A motion was made by Commissioner Ayers, seconded by Commissioner Edwards, to approve the proposal staff has presented for the comprehensive administrative review. Commissioner Cardozo asked whether before voting on this, whether the questions raised by other Commissioners be placed in the document. Chair Davie amended the motion to ask staff to come back to the Commission with a timetable and to begin to answer some of the questions raised, such as methodologies for approaching this review, as well as a timetable that includes looking at the current opinions and getting staff's recommendations on how Commissioners should view, understand and act, if at all, on any of those existing opinions. The motion with friendly amendment passed 7-1-0, opposed by Commissioner Groenwegen.

LEGISLATIVE AGENDA ITEM (2025 LEGISLATIVE SESSION))

This item will be held over until the next meeting, pending further conversation.

GOVERNANCE

This item will be held over until the next meeting, pending further conversation.

MOTION TO ADJOURN THE PUBLIC MEETING

A motion was made by Vice-Chair Austin and seconded by Commissioner Caraballo to adjourn the meeting. The motion carried unanimously. The meeting was adjourned.

DRAFT