

**MINUTES OF THE PUBLIC SESSION
OF THE JUNE 26, 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 (WebEx)

Vice-Chair: Leonard B. Austin (NYC)

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

Staff: Sanford N. Berland, Executive Director (ALB)
Keith C. St. John, General Counsel (ALB)
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)
Michael Antolini, Deputy Director of Investigations & Enforcement (NYC)
Erin Lynch, Deputy Director of Ethics (ALB)
Megan Mutolo, Deputy Director of Lobbying (ALB)
Marlena Diaz, Deputy Director of Learning Innovation Administration (WebEx)
Melinda Funk, Deputy Director of FDS (WebEx)
Gareth Perrin, Deputy Director of Compliance Audit & FDS Review (WebEx)
Jennifer Bliss, Senior Investigative Counsel (ALB)
Lisa Levy, Associate Counsel (NYC)
Meagan Fleming, Associate Counsel (ALB)
Theresa Wells, Associate Counsel (ALB)
Lori Donadio, Principal Investigative Analyst (ALB)
Mariana Cadiz, Acting Director of Administration (ALB)
Martha Rivera, Executive Assistant (NYC)
Maureen Daley, Confidential Assistant (ALB)

CALL TO ORDER

(Commissioner Groenwegen was not present for this portion of the meeting)

Chair Davie called the June 26, 2024, meeting to order. Executive Director Sanford Berland announced the meeting was being held pursuant to and in accordance with the provisions of Section 94 of the Executive Law and the Open Meetings Law, that the conference room at the Commission's offices in Albany at 540 Broadway and the meeting room at the New York State Conference Center at 25 Beaver Street in Manhattan were open to the public during public session, and that the public session was also being live-streamed and the link could be found on the Commission's website. He added that Chair Frederick Davie and Commissioner Nancy Groenwegen were attending remotely by video conference pursuant to section 103-a of the Public Officers Law and the Commission's procedures for member participation by video conferencing. Executive Director Berland confirmed that a quorum was present at the Albany and New York City locations.

APPROVAL OF MINUTES – PUBLIC SESSION

May 22, 2024

Chair Davie asked if there was a motion to approve the minutes. Vice-Chair Austin, seconded by Commissioner Cardozo, made the motion, which carried unanimously.

REPORT FROM STAFF

Operations Update

Executive Director Berland drew the Commission's attention to Tab B to review the Operations Update. He explained that the report includes relevant activities for the month of May 2024 in the first column, comparisons to the prior month of April 2024 in column two, comparable monthly and year-to-date periods from 2023 located in columns three and five, and the current year-to-date data in column four.

Executive Director Berland referenced the Investigations and Enforcement Division report on the first page, announcing that the Commission had received a total of 17 tips, complaints, and referrals

in May, which was identical to the April figure. He noted that Commissioners receive weekly notifications from staff of incoming matters. He stated that a total of four COELIG matters were closed in May, that the number of pending and open investigations as of May 31 were, accordingly, 156 and 47, respectively, which was a net positive change of thirteen pending matters, and that one additional investigation was opened during the month. Director of Investigations and Enforcement Brian Weinberg stated that Investigation and Enforcement staff are continuing to issue 15-day letters and are pursuing investigations, as well as exploring options for noticing cases for hearing.

Executive Director Berland called the Commission's attention to the Ethics Division report on page two of the Operations Update, noting that the Advice and Guidance Unit had reached a steady state with respect to the number of inquiries received, with total guidance requests in May reaching 104, comparable to the 105 requests received in the preceding month, but that the year-to-date figure was almost 40% higher than the comparable period in 2023, indicating a very high level of guidance inquiries. Director of Ethics Michael Sande introduced Associate Counsel Meagan Fleming and Associate Counsel Theresa Wells who have joined the Guidance team. He stated that consistently receiving a high number of inquiries could be the result of the expanded training underway, as well as the then-approaching deadline for submission of financial disclosure statements in May. Executive Director Berland explained that the addition of Associate Counsel Fleming and Associate Counsel Wells will result in higher efficiency in processing requests.

Executive Director Berland referred Commissioners to the Lobbying report on page three of the Operations Update, showing a monthly increase of 254 in the number of registered lobbyists and 85 in the number of clients, and noting one thousand new registrations or registration statement amendments were submitted in May. He further explained that May was a bi-monthly report filing month and over 6,200 bi-monthly reports or amendments were filed. He remarked that the large annual changes in figures over the comparable period in 2023 reflects that last year was the start of a new biennial registration period and this is now the second year. Director of Lobbying Carol Quinn added that the data collected and the reports the division receives are cyclical. She noted the upcoming bi-monthly and client semi-annual reporting deadline of July 15th and that the division expects to receive a high volume of reports. Director of Lobbying Quinn thanked Deputy Director

of Discrepancies Amy Nicotera for gathering accurate data and statistics for the Commission's annual report.

Executive Director Berland directed the Commission's attention to the Financial Disclosure Statement statistics. He noted that May 15th was the deadline for non-academic filers to submit their annual financial disclosure statements, that over 24,000 submissions occurred between April and May, and that more than 4,000 FDSs were outstanding at the end of May. Deputy Director of Financial Disclosure Melinda Funk reported to Commissioners that the Financial Disclosure staff had issued just over 4,000 Failure to File notices and that her unit has since resolved almost 2,000 of them. She noted that filers have until Friday, June 28, to comply before the staff begins outreach to gain compliance. She said that according to the numbers from June 2023, her staff issued 701 fewer Failure to File notices this year, and suggested that more individuals have information about the filing requirements through the trainings.

Executive Director Berland referred to page five of the Operations Report, the Training update, reiterating that the Education and Training Unit's goal is to have every employee in the executive branch take at least one training by the end of 2024. He stated that Commission staff, agency ethics officers, and trainers at the other executive branch agencies have now trained over 200,000 state officers and employees. He further reiterated that the staff has been working with ITS to improve the Commission's technology, and announced that Phase Two of Commission's statewide ethics training application went live on June 13th, with data initially covering over 200,000 state employees with more than 60,000 email addresses, and that when fully populated, it will provide COELIG and agency ethics officers with the ability to schedule employees for mandatory ethics trainings, monitor their compliance, provide them with required reminders and notifications, and track and report all of this at the individual employee level across over 380 agencies and more than 300,000 state officers and employees. Deputy Director of Learning Innovation Administration Marlina Diaz reported that the Training Unit staff is in the process of helping agencies transition from reporting aggregate agency training figures to reporting statistics for individual employees in the new system. She reported that in addition to over 200,000 employee records, there are now over 83,000 emails and over 45,000 training records of individuals who took the on-demand online training in the State Learning Management System (SLMS). She explained that the training team is working on putting

together content for a comprehensive ethics forum that staff will present to agency users, which will include detailed information about the launch, a system demonstration and answers to questions. Executive Director Berland added that the Training Unit also works with the Lobbying Division to provide online lobbying ethics training for lobbyists and that over 80% of lobbyists and lobbying clients are now in compliance with their mandatory triennial ethics training requirement.

Commissioner Cardozo asked if staff had given any consideration to scheduling an online training for Commissioners, since Commissioners are the ones who enforce the ethics training for employees and lobbyists. Executive Director Berland noted that Commissioners, along with everyone else on the executive side of state government, are subject to the mandatory training requirements and all Commissioners are currently in compliance with those requirements and will be scheduled for training again in the current year, just as they were in the prior year. He added that staff are working out the logistics to incorporate commissioner introductions into the training sessions so that commissioners not only will be subject to the trainings but going forward, will be principals in propounding those trainings.

Executive Director Berland turned the Commission's attention to the Audit and Review table on page 6, explaining that the variation in activity reflects the cyclical nature of the unit's work, as well as the time and effort the unit has been devoting to upgrading its auditing software. He noted that the year-to-date figures for targeted FDS reviews have substantially increased, notwithstanding the resources staff are devoting to implementing the new software. Deputy Director of Compliance Audit and FDS Review Gareth Perrin confirmed that the decrease in lobbying numbers is a result of his staff migrating information from its legacy computer system to the new software, which shuts the system down for extended periods of time. He stated the dip is temporary, and once the implementation process is complete, the unit's statistics will return to normal.

Executive Director Berland turned the Commission's attention to the Public Information Office statistics on page seven, noting that the number of FOIL requests increased from 16 in April to 29 in May, with several thousand pages of documents produced in response through efforts from both the Public Information Office and the Audit and Review unit. Director of Communications, Public Information Officer and Director of Public Affairs Emily DeSantis explained that the bulk of the

increase resulted from the May deadline for the filing of Financial Disclosure Statements by state employees and elected officials and by candidates for the state legislature. She noted that last week, staff, in a very compressed period of time, redacted the Financial Disclosure Statements for 213 members of the Legislature just received from the Legislative Ethics Commission in order to make those FDSs online as of Thursday June 20th. Executive Director Berland added that the Public Information Office had very limited time to review and redact those FDSs and post them online in advance of the June 25th primary election and had to shift its resources in order to do so. Notwithstanding that shift in focus, the Public Information Office team was still able to release the 2023 Annual Report yesterday. He noted that the annual report, which details record-breaking activity in Lobbying, Training, and Investigations and Enforcement, is more than 800 pages with appendices. He congratulated not only staff throughout the agency who worked on the annual report, not least Director of Communications, Public Information Officer and Director of Public Affairs DeSantis and her team who oversaw the logistics, coordination, drafting and everything else that went into producing the report and its publication and release, but also everyone whose remarkable work and accomplishments are reflected in the report, all of which is extraordinary, especially as staff is not yet at full complement, which will be discussed in detail later in the meeting. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis particularly noted the contributions of Communications Assistant Taylor Smith, who provided the report's extraordinary graphics. Chair Davie noted that the response from the press has been very impressive and offered his congratulations.

Executive Director Berland noted briefly that recruiting is underway, with interviews being conducted for a number of positions, which are posted on the Commission's and New York State's jobs websites, including Deputy Director of Administration, and that preparations are underway to present a number of additional positions, all of which will be addressed in detail later in the meeting.

FY 2024-2025 Budget Update

Executive Director Berland drew the Commission's attention to the budget report under Tab C. He noted that the Commission's budget is inclusive of the amount the Commission requested for the current fiscal year with an additional increment of about \$135,000 to cover mandatory increases for Personal Services. He stated that he anticipates that the Commission will expend most of the budget

allotment by year-end as vacancies are filled across the agency, inclusive of shifting amounts from personal to non-personal services appropriations. He further stated that assuming those vacancies are filled by the end of the current fiscal year, the agency will require a personal services cash allocation increase of almost half a million dollars in the next fiscal year, 2025-2026, as well as an increase in its nonpersonal services cash allocation to cover rent, equipment and other items essential to the agency's operation. In addition, there will be infrastructure and system improvements for which additional funding will be pursued in the next fiscal year.

Chair Davie asked for clarification about whether the agency would see a half-million dollar deficit if the agency were fully staffed and fully operational. Executive Director Berland confirmed that that would be the case for the cash allocation, but the shortfall in the appropriation would much less, approximately \$112,000.

Commissioner Edwards asked for further explanation regarding the expected gap between cash levels and the fiscal year budget appropriation. Executive Director Berland explained that the difference reflects DOB's budget management methodology. Acting Director of Administration Mariana Cadiz explained that there is a reserve held by the DOB to ensure COELIG does not exceed the appropriation and the DOB works with COELIG to grant cash from its appropriation to cover unforeseen expenses not accounted for in the enacted budget. Commissioner Edwards asked if there is a reserve line in COELIG's budget to replenish cash. Acting Director of Administration Cadiz replied that the agency's budget reserve represents the difference between the total fiscal year budget appropriation and the cash allowance. Commissioner Edwards asked whether the agency could request a budget to avoid the gap, and whether there is an impact from the differential. Acting Director of Administration Cadiz answered that there may be an overall State budgeting push that agencies account for the cash in the beginning of their budget cycle.

Commissioner Edwards asked if this differential results in the agency not paying bills on time and wanted to understand how there were not consequences to not having all cash on hand. Acting Director of Administration Cadiz said that the difference in cash and the level of appropriation does not result in the agency being unable to pay its bills in a timely manner. Executive Director Berland explained that the agency has been able to function within its enacted budget appropriation.

Commissioner Edwards asked whether Executive Director Berland foresaw an impact with the new staff additions and advancements in technology. Executive Director Berland confirmed that he does foresee an impact next fiscal year but is projecting that the agency will come in at budget this year while moving a surplus from Personal Services over to Nonpersonal Services with assistance from DOB in doing so. Next fiscal year, the agency intends to ask for a budgetary increase so that the agency can stay within budget.

Chair Davie asked if, by projection, they were approaching full use of their cash allocation and if the process was to ask the Legislature or the DOB for additional cash based on the appropriation that COELIG receives. Executive Director Berland confirmed the agency is approaching full use of the allocated budget and stated they would work with the DOB. Chair Davie commented that the process in which the state accounts for the public’s money was interesting. Executive Director Berland offered that the process is a budgetary management methodology used by the State, but there had been no issue for COELIG thus far, and the agency’s goal would be to have relevant amounts increased next year to match the Commission’s needs.

Commissioner Per Diem Payments

Executive Director Berland read into record the following paid per diem amounts for Commissioners’ attendance at the October 2023 Legislative Working Group Meeting and the two February and two March 2024 Commission meetings:

Davie	\$	2,236.95
Austin	\$	1,310.06
Ayers	\$	1,981.07
Caraballo	\$	2,013.02
Cardozo	\$	2,268.64
Edwards	\$	2,013.02
Groenwegen	\$	2,013.01
James	\$	2,140.83
Total	\$	15,976.60

Executive Law Section 94(1)(d) Review- Process Update

Executive Director Berland reported that after meeting with experts, it had been determined that it was unnecessary at this point to conduct both qualitative and quantitative surveys, but that there would be separate surveys for the lobbying and non-lobbying communities. He announced that Director of Ethics Sande will be conducting a master class in July on key advisory opinions interpreting and rendering guidance on the state's ethics laws. In the same session, Director of Lobbying Quinn and Deputy Director of Lobbying Megan Mutolo will do the same with respect to the relatively few remaining advisory opinions that interpret or apply the Lobbying Act that have not been superseded, or subsumed within, the lobbying regulations.

Commissioner Edwards wanted clarification on whether the survey experts told staff that a master class should be conducted instead of a survey. Executive Director Berland clarified that the class is independent of the process of querying constituencies about the efficacy and sufficiency of the ethics and lobbying laws, as Executive Law § 94(1)(d) calls for the Commission to review the compatibility of the regulations and advisory opinions with the statutory scheme.

Commissioner Edwards expressed an understanding of that point but asked whether the qualitative and quantitative analyses fit into the plan. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis explained that staff spoke with the two groups from which it had received proposals, and both recommended that COELIG combine the quantitative and qualitative questions into one survey. Commissioner Edwards asked if that survey would include questions or interviews, and staff replied that the survey would not include interviews. Commissioner Edwards asked what information the agency is looking for from the survey. Executive Director Berland explained that since the mission of COELIG is to foster public trust in government, the goal of the survey is to find out, from the various constituencies who are affected by the ethics and lobbying laws, whether those stakeholders believe that the laws, regulations, and advisory opinions are working as intended to create a State workforce free from conflicts of interests and to achieve the Commission's mission.

Commissioner Edwards asked if the results of the survey will be compared with the advisory opinions to see if both are consistent. Executive Director Berland answered that staff would

determine if there are proposals from the various stakeholders to change any laws or regulations or advisory opinions, and whether individuals believe, for example, that the laws and regulations are effective, too strict, or not strict enough. Commissioner Edwards asked how many individuals COELIG will try to reach out to, and Director of Communications, Public Information Officer and Director of Public Affairs DeSantis stated that staff would be reaching out to upwards of eight to ten thousand individuals and organizations through an online questionnaire. Commissioner Edwards asked who would be administering the survey. Director of Communications, Public Information Officer, and Director of Public Affairs DeSantis said that the agency would distribute the survey, and an outside group would analyze the data and identify themes.

Commissioner Edwards expressed comfort with the survey and the approach being taken but mentioned that there is increasing potential for people not to be authentic with their answers when they know the group that they are criticizing is going to have access to the material, and asked if there are safeguards against this and if staff has considered having an independent entity administer the entire survey process. Director of Communications, Public Information Officer, and Director of Public Affairs DeSantis explained that the staff had considered this but discovered it was more cost-effective for the Commission to conduct the survey. Chair Davie asked if the responses were anonymous. Director of Communications, Public Information Officer, and Director of Public Affairs DeSantis responded that the respondents are not entirely anonymous, as the survey is sent out to specific email addresses, but that language will be included when sending out the survey that individuals may include their email address in their response if they wish to be contacted for follow-up. She explained that staff is more interested in demographic information and what common themes may emerge across the categories of the agency's constituents. Commissioner Edwards suggested that since individuals can be sensitive about giving authentic data, especially if it's negative, the agency might want to consider the cost associated with going to an outside entity if staff wants to maximize the authenticity of survey responses. She mentioned taking care to craft the survey to clarify the Commission's role in collecting data. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis noted that Commissioner Edwards made a good point and explained that staff's thought was that subjects would be more willing to open the email if it came from a familiar email address.

Chair Davie suggested the issue may be how the survey responders are protected, not how the survey is introduced to them. He added that Commissioner Edwards' concern is that, in order to potentially receive more truthful data, survey responders would want to know that their identities are protected when responding. Executive Director Berland said that staff looked at the cost and found that substantial amount of follow-up would be needed to get a sufficient sampling, and the experts indicated that the survey needed to be sent to the entire population to receive a meaningful response. He added that staff and the experts will look at crafting questions to limit bias. He hopes that the constituencies will understand that COELIG wants to hear their feedback, and there could be a possible filter between the individuals responding and the Commission.

Commissioner Edwards suggested conducting a survey with a smaller sample size to better focus on a small group's needs. Executive Director Berland explained that the experts staff spoke with did not think this approach would be effective. Chair Davie noted that once the information is received, staff and Commissioners could assess the process to see if it served the agency in the way that they had hoped. Executive Director Berland mentioned that the next step would be to distill the analysis into action items that could then be incorporated into the next annual public hearing in the fall, where COELIG can ask individuals and entities to comment on those proposals. The timeframe for the process is to send the survey out in July, receive results in August and September, draft proposals for review and publication, and schedule a public hearing in October or November. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis noted that the timeframe is dependent on when staff receives the results from the vendor, and when discussions are held with the Commission about the results.

Vice-Chair Austin asked how the Commission is going to convey to the subjects of the survey that this is a serious questionnaire that deserves their attention and truthful responses. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis explained that staff plans to send a notice to look out for the survey and let them know to give their honest feedback, and they plan to mention the survey in the Lobbying newsletter.

Commissioner James shared concern about receiving honest responses and mentioned that he has participated in surveys where the organizations told subjects that their answers were anonymous,

and questioned why the Commission cannot devise a method to do the same. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis stated that staff raised this question with the vendors and were told that it was not possible to have total anonymity. Executive Director Berland said that it would introduce a cost component, and in order to blind the results, staff would need to put an entity between COELIG and the respondents, which would not allow for the follow-up needed to ensure sufficient responses. Only receiving a handful of thoughtful comments would not show how widespread particular concerns are. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis said staff could get updated proposals from the vendors and see how much the cost would increase.

Commissioner Edwards stated that she thinks she can be convinced if they show that using an independent body is expensive enough that COELIG needs to conduct the survey. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis reaffirmed that staff needs to reach out to the entities to see what the additional cost would be to go down that route. Executive Director Berland added that staff will need to talk to the vendors about the extent to which it would be necessary to blind the responses based on the kinds of questions COELIG is asking since the questions asked will not be probing for personal information. Commissioner Edwards asked how many vendors the Commission is vetting. Director of Communications, Public Information Officer, and Director of Public Affairs DeSantis replied that staff initially vetted three, but the cost of one was too high as compared with the other two. Staff will be reaching out to those two vendors with Commissioners' new questions.

Commissioner Ayers added that it was important to recognize that the survey is only one of the tools COELIG is using to get feedback from its constituents and that it has its limits as an electronic survey in receiving responses since those who have grievances are more likely to fill it out. She agrees that this survey is worth pricing out for anonymity in responses but is pleased that staff is using other ways of gathering useful feedback. Commissioner Edwards said that if the staff tied the data to their research, then she could support it. Executive Director Berland and Director of Communications, Public Information Officer and Director of Public Affairs DeSantis reiterated that staff will be using the takeaways from the survey to create action items to inform the next round of questioning and for consideration and comment at the public hearing. Commissioner Edwards explained that she is

looking for the data to be analyzed from different perspectives. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis said that the vendor would be analyzing the data, looking at different themes, populations, demographics, and what that data means, all of which will be included in the final report.

Chair Davie suggested that staff move forward but continue the discussion another time to address Commissioner Edwards' concerns. Commissioner Edwards made clear that she thinks the survey and the direction the agency is moving are great ideas, but she would like to discuss her concerns offline. Executive Director Berland assured her that staff would take suggestions back to the experts and see what the cost impact is to take an anonymous approach.

Introduced and Other Legislation- Recap

General Counsel Keith St. John called the Commission's attention to the materials under Tab E, a tabular compilation of the bills that COELIG had advanced as part of the agency's legislative program for the 2024 session year, together with a summary of other bills that impact the agency's work or are ethics-related legislation, along with information on how far they advanced in the legislative process. He explained that many of the bills died in committee or while legislative leaders were deciding which bills would go to a floor vote.

Commissioner Cardozo asked if there are suggestions from the experience gained this year to apply to how the Commission should lobby the bills next year. General Counsel St. John noted that as the Commission puts together its legislative program for next year, the goal will be to have bills introduced early and find resources to monitor the bills' traction in the two houses of the Legislature. Commissioner Cardozo proposed the agency commit itself to identifying its legislative agenda for 2025 as early as possible and have staff and a legislative committee with a few Commissioners work on this.

Vice-Chair Austin commented that Bill No. S 5005 requires JCOPE to develop and maintain campaign finance training and asked if the originators of the bill know JCOPE was dissolved. General Counsel St. John theorized that the bill was initially introduced when JCOPE existed, and

should the bill move, there would likely be an amendment by the bill sponsor to reflect the agency's new name.

Executive Director Berland noted that the positive takeaway is that we know our proposals are now on the radar screens of certain members of the Legislature, and to the extent there were challenges that were encountered by the bill sponsors, we can go back to those legislators and their staffs and find out what feedback they received and assist them in addressing it in the next legislative session. Director of Communications, Public Information Officer and Director of Public Affairs DeSantis added that staff has established relationships with these legislative members, and she updates them with court decisions and other developments regarding COELIG and sends them information like the Annual Report, so she believes that they will be willing to discuss amended and new proposals with the agency. Executive Director Berland stated that COELIG can refine some of its priorities based on the information coming from the comprehensive review process.

Commissioner Edwards asked for clarification that the bills highlighted in orange in the table were the legislative agenda items the Commission submitted and that all died in committee, except for two that died on the Senate's Third Reading Calendar. General Counsel St. John explained that the Commission had two Senate bills, S 9019 and S 9257, that made it out of committee and died on the Third Reading Calendar. Commissioner Edwards asked if there is still a chance of those moving forward. General Counsel St. John explained that all of the bills will need to get reconsidered to advance, and the Legislature is no longer in session. Director of Communications, Public Information Officer, and Director of Public Affairs DeSantis noted that many bills died at the end of the session from not being addressed due to Governor Hochul's action on congestion pricing since this was considered higher profile than the other initiatives. Commissioner Edwards expressed concern that they cannot do video conferencing for the agency's committees for another year. Executive Director Berland explained that this was a challenge from the beginning because the Governor had made a commitment to extending POL Section 103-a of the Public Officers Law for another year. It was included in the 2024-25 enacted budget bill.

Executive Director Berland noted that questions about the Master Guidance Log can be addressed in Executive Session.

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 Edwards, to enter into Executive Session, in accordance with 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

(Commissioner Groenwegen was present for the remainder of the meeting)

Executive Director Berland reported that, in Executive Session, the Commission discussed matters related to litigation and legal advice. The Commission discussed an application for an exemption from the post-employment restrictions pursuant to Public Officers Law § 73(8-b). The Commission discussed informal guidance pursuant to Executive Law § 94(7) and 19 NYCRR Part 931. The Commission approved two reports pursuant to Executive Law § 94(10)(f). The Commission closed 12 matters, including 11 matters received by COELIG and one matter carried over from the prior agency, and the Commission discussed several other investigative matters.

ADOPTION OF THE PROPOSED AMENDMENTS TO THE COMMISSION’S REGULATIONS AT 19 NYCRR CHAPTER XX, PART 943

Director of Lobbying Quinn announced that staff is seeking a vote to approve and to proceed with notices of adoption on all three amendments. She noted that no formal public comments on any of the proposed amendments were received. She added that for the amendment concerning “responsible party,” staff is changing the effective date to December 1, 2024, to coordinate with the 2025 filing period for statements of registration, but that is not a substantial revision for adoption purposes. Any

filings submitted on December 1, 2024, or after, must comply with the amended regulation, and any filings submitted prior to that date will not be impacted.

Commissioner Cardozo asked if it is clear to the individual signing that they are to be the responsible party and that there are consequences to filing improper statements. Director of Lobbying Quinn confirmed that the attestation included with the filing is an attestation that the filing is true under penalty of perjury. She continued that for an individual to assign themselves as the responsible party, they must enter the lobbying application and sign an attestation that they will be responsible for filings.

Vice-Chair Austin asked if the Commission could impose greater penalties than the Late Filing fees listed in the regulation if a lobbyist does not file for a certain period of time, such as suspending their ability to lobby. Director of Lobbying Quinn explained that the Late Filing fees and due dates are statutory, with \$25 a day for regular filers and \$10 dollars a day for first-time filers. Executive Director Berland mentioned that unregistered lobbying has its own set of consequences.

A motion was made by Commissioner Groenwegen, seconded by Commissioner Ayers, to approve the three amendments to the regulations at 19 NYCRR Chapter XX, Part 943. The motion carried unanimously.

**APPLICATION FOR EXEMPTION FROM REVOLVING DOOR RESTRICTIONS,
PURSUANT TO PUBLIC OFFICERS LAW §73(8-B)**

Executive Director Berland noted the redacted application is behind Tab G. Commissioner Cardozo made a motion, seconded by Commissioner James, to approve the application for approval of the exemption certification. The motion carried unanimously.

PROPOSED STAFFING PLAN REVISIONS PURSUANT TO EXECUTIVE LAW §94(6)(F)

Executive Director Berland noted that the proposed revised staffing plan was circulated to Commissioners the prior day. He noted that staff has been reevaluating the configuration of the

agency under the expanded Staffing Plan approved in 2023 to assist in making its work more efficient and effective, with the goal of streamlining certain processes, upgrading some positions, and reorganizing aspects of our operations. Two technical positions are being created to handle data, assist staff, and interface with ITS; a second Senior Investigator position is being created so that there will be a Senior Investigator located at each office; an Assistant Deputy Director position is being created in the Compliance Audit and Review unit to facilitate and expedite the auditing process and increase throughput; the Assistant Director of Financial Disclosure position will be filled in the FDS unit and both a compliance analyst and a compliance auditor position will be filled in the Compliance Audit and Review unit; and interviews are underway to fill the Deputy Director of Administration position. The proposed revised plan also calls for re-grading several positions. The projected headcount for the agency will remain at 68 positions under the revised plan, and we will remain within our budgetary allocation, as stated earlier in the meeting, through the end of the fiscal year, although, as was also stated at the beginning of the meeting, an increase in the cash allocation for personal services costs for next year will be needed.

Vice-Chair Austin asked Executive Director Berland to clarify if the agency will remain within its budgetary allocation through the end of the calendar or fiscal year. Executive Director Berland answered that the Commission will be within its allocation through the end of the fiscal year and will have the ability to move surplus Personal Services funds to Nonpersonal Services. Within the next couple of months, staff will begin drafting the new budget proposal to cover the increased costs going forward.

Commissioner Ayers expressed concern about the Commissioners superseding the Executive Director's role in appointing staff by voting on the approval of the Staffing Plan. Executive Director Berland explained that the Executive Director oversees hiring, but the plan's approval goes to the Commission, and although the position count remains the same, the staff configuration has changed. Commissioner Ayers shared her view that the Executive Director should be entitled to deference on these matters and that she would vote to approve any reasonable staffing change.

Commissioner Ayers moved, seconded by Vice-Chair Austin, to approve the revised Staffing Plan. The motion passed unanimously.

Commissioner Cardozo asked if a discussion about the action resulting from the Performance Evaluation Program could be placed on the agenda for the next meeting. Executive Director Berland said that the evaluation process and how it is carried will be addressed in July, and that the process is actively being carried out for the current year.

NEW AND OTHER BUSINESS

Chair Davie asked that staff work with the Commissioners to schedule the Special Meeting in July, which will then be announced to the public.

Commissioner Ayers asked to revisit the proposals from the November 2023 Roundtable meeting so that updates could be provided during the next public hearing. Executive Director Berland explained that the proposals, along with the survey results, will be included in their comprehensive review before the next hearing.

Commissioner Ayers asked that the draft proposal concerning the Commission's process in dealing with individuals speaking publicly about guidance they have requested be placed on the July agenda. Commissioner Ayers also requested that staff and other individuals reach out to her with feedback regarding her drafting a resolution urging the appointing authorities to fill the commissioner vacancies. Chair Davie publicly encouraged the appointing authorities to appoint commissioners to the Commission.

MOTION TO ADJOURN THE PUBLIC MEETING

Vice-Chair Austin moved, seconded by Commissioner Edwards, to adjourn the meeting. The motion carried, and the meeting was adjourned.