

1

2 - - - - - x

3 LOBBYING COMMISSION MEETING

4 - - - - - x

5

City Council Meeting Room
250 Broadway
New York, New York

6

7

March 30, 2011
10:12 a.m.

8

9

10

B E F O R E:
HONORABLE HERBERT BERMAN
COMMISSIONER LESLEY HORTON
COMMISSIONER ELISA VELAZQUEZ
COMMISSIONER JAMILA PONTON BRAGG
COMMISSIONER MARGARET MORTON

11

12

13

14

B Y T E L E C O N F E R E N C E:
STATE COMMISSION OF PUBLIC INTEGRITY
BARRY GINSBERG, General Counsel
SHARI CALNERO, Associate Counsel
RALPH MICCIO, Special Counsel
HOWARD GRIEVES, Member of the Commission

15

16

17

18

19

20

21

22

23

24

FIVE STAR REPORTING, INC.
90 JOHN STREET, SUITE 411
NEW YORK, NEW YORK 10038
631.224.5054

25

1 Lobbying Commission Meeting

2 MR. CHAIRMAN: My name is Herbert
3 Berman. I'm the chairman for the Lobbying
4 Commission of the City of New York. My fellow
5 commissioners joining us today are, on my left
6 Commissioner Margaret Morton and Commissioner
7 Jamila Ponton Bragg. To my right are
8 Commissioner Elisa Velazquez and Commissioner
9 Lesley Horton. This is our second public
10 meeting. This morning we will be joined
11 shortly by the Executive Director and staff to
12 the State Commissioner on Public Integrity and
13 you can see them now on the TV screen. Good
14 morning.

15 The State Commission on Public
16 Integrity is an entity responsible for
17 enforcing the lobbyist in the City -- I'm
18 sorry, the registration requirements the State
19 level. Lobbyist in the City must also
20 register with the State Commission whether or
21 not they lobby at the State level, therefore,
22 city lobbyist and clients of lobbyist must
23 report their activities to both the State
24 Commission and the City Clerk's Office to the
25 City of New York.

1 Lobbying Commission Meeting

2 Considering the dual filing that has
3 been required, it has been suggested by many
4 that greater synchronicity between City and
5 State's statutes and system should be
6 explored. However, our preliminary work in
7 reviewing the two laws and reporting systems,
8 as well as staff meeting with the Clerk and
9 State Commission, have revealed some important
10 information. Which can be summed up with one
11 phrase "it's easier said than done".

12 Of course, we recognize the State has a
13 lot more filers than does the City. Other
14 differences do exist and today we'd like to
15 explore them. For example, we're aware of the
16 fact that there are different dollar
17 thresholds for lobbying activity that becomes
18 reportable. There are differences in the area
19 of contracts and procurement process and there
20 are differences regarding the filing and
21 reporting structure.

22 We're here today to learn about the
23 State Systems to see how it parallels or
24 differs from the City; understand why these
25 differences do exist and to possibly explore

1 Lobbying Commission Meeting
2 opportunities for greater coordination in
3 fully recognizing that could be a complex
4 ambition. So, following in the wake of our
5 last presentation on March 15th by the Clerk
6 of the City System I'd like to thank the State
7 Commission on Public Integrity for joining us
8 this morning as we give thought and attention
9 to the important complicated topic.

10 People of the Public Integrity
11 Commission, thank you for joining us by this
12 process. We are joined by Barry Ginsberg who
13 is the Executive Director and General Counsel.
14 Mr. Ginsberg, good morning. Shari Ginsberg
15 who is the Associate Counsel --

16 MR. GINSBERG: Shari Calnero.

17 MR. CHAIRMAN: I wasn't going to go
18 into the similarity of names. Ralph Miccio,
19 Special Counsel and Howard Grieves who is a
20 member The Commission. Good morning.

21 MR. GINSBERG: Good morning.

22 MR. CHAIRMAN: Who is going to make
23 opening statements?

24 MR. GINSBERG: I'll start. Since I
25 know your time is brief I'll try to be brief

1 Lobbying Commission Meeting

2 as well.

3 The Commission, as some of you know,
4 has the responsibility for enforcing and
5 administering a lobbying act as well as
6 responsibility for enforcing and administering
7 the State ethics laws, so we have jurisdiction
8 of not only about 13,000 filers under The
9 Lobbying Act but about 300,000 executive
10 branch employees Under the Public Officer's
11 Law, so we have a fairly substantial
12 admission. We have a staff overall of 45
13 full-time equivalence and a budget this year
14 of about \$3.7, \$3.8 million. Both of those
15 numbers are down significantly from when The
16 Commission began its operations, which was in
17 the fall of 2007. Both in terms of our budget
18 and in terms of our staff we're reduced about
19 25 percent since the fall of 2007.

20 We have 13 commissioners -- or we have
21 authorizations for 13 commissioner who are
22 unpaid; who serve set terms that are appointed
23 by the governor but designated by various
24 public officials, legislative leaders and the
25 four state elected officials. They serve set

1 Lobbying Commission Meeting
2 terms, set staggered terms and can be removed
3 only for cause. Currently, we have 10
4 commissioners, we have three vacancies that
5 are yet to be filled.

6 We have, as I said, a staff of about
7 45, but of that staff only about a third are
8 dedicated to lobbying activities. We have a
9 Program Unit which consist of about eight
10 individuals who review the filing for
11 accuracy, completeness and perform other tasks
12 which we'll be talking about during the
13 presentation.

14 We have three full-time auditors who
15 audit the lobby filing and beyond that we have
16 three investigators and a paralegal, but,
17 again, they're not all dedicated to lobbying.
18 They have, as I mentioned, jurisdiction of the
19 public officer's side.

20 We have six lawyers plus myself, I'm
21 the Executive Director as well as the General
22 Counsel. We have an Educational Unit of four
23 people, Howard is one of those four and he
24 pretty much focuses on lobbying activities.
25 We have others like our Financial Disclosure

1 Lobbying Commission Meeting
2 Unit which essentially has nothing to do with
3 the lobbying, they just collect and audit for
4 compliance the annual statements or financial
5 disclosures of which we receive about 27,000
6 annually, and then we have an administrative
7 and IT staff who obviously serve both
8 functions.

9 Without going into much more detail
10 we're going to try to cover the topics that
11 your staff asked us to go through. As much as
12 possible we'd like to make this a dialogue, so
13 if you have questions, obviously, you should
14 feel free to ask them, because I think that
15 will be more useful for you in terms of
16 getting the information that you're looking
17 for. Ralph, I should say was Counsel of the
18 Lobbying Commission, came over to this
19 commission after the merger as Special Counsel
20 so he has a wealth of information not only
21 about our activities but how things were under
22 the former Temporary State Commission on
23 Lobbying. Shari Calnero was an Assistant
24 Counsel at the Lobby Commission and is now
25 Associate Counsel here, and Howard also was at

1 Lobbying Commission Meeting
2 the Lobby Commission so the three of them know
3 much more about the lobbying side of our
4 business especially in terms of the history of
5 it than I do.

6 Ralph's going to talk a little bit
7 about that, the history and overview of our
8 functions and how we're structured. Ralph
9 will also talk about our audit process.
10 Shari's going to talk about our investigations
11 on the lobby side. Howard is going to give
12 you a demonstration of how our online
13 registration process works and when that part
14 of the presentation happens, because of the
15 technological limitations, you're not going to
16 see us any more you're just going to see the
17 online registration. There was a question
18 about how we treat non-profits which Shari is
19 going to address. I know there were some
20 questions about legislation proposals in
21 particular about how we might work towards
22 better coordination and I know the other issue
23 was public money. So, that's a lot to cover
24 in what I understand is about an hour. If
25 there are no further questions for me I'm

1 Lobbying Commission Meeting

2 going to turn it over to Ralph.

3 MR. CHAIRMAN: Thank you, Barry. If
4 there are no further questions I just wanted
5 to say that obviously one of the important
6 facets of our work is to identify and see how
7 we can better coordinate to remove the
8 duplication of filing or make it easier to do
9 the dual filing. Whenever possible if you can
10 address that as well that would be helpful.

11 MR. MICCIO: Let me give you a brief
12 history of regulation and lobbying commission
13 and CPI, Commission of Public Integrity and
14 how they all came about. We didn't have any
15 regulation or enforcement of lobbying to any
16 great degree until 1977 when the Temporary
17 Commission on Lobbying was formed. The
18 Temporary Commission lasted 30 years until it
19 was merged in 2007 into The Commission of
20 Public Integrity merging The Commission on
21 Lobbying with the Ethics Commission we have
22 our present status today.

23 Beyond that, you know, we have the
24 legislative law which was the basis of our
25 jurisdiction and our authority when we were

1 Lobbying Commission Meeting

2 The Lobby Commission and also is the basis of
3 our authority under CPI which created us under
4 PEERA: Public Employees Ethics Reform Act, in
5 2007 that was the merge of all the ethics and
6 lobbying.

7 There have been changes over the years.
8 We have added local lobbying which, of course,
9 you're interested in because now we do also
10 require those municipalities below 50,000 to
11 have registration if there's lobbying ongoing
12 in those areas. That would create an issue
13 with regard to New York City where you have
14 your own lobbying regulations of course and
15 the issues of lobbyist having to file dual
16 information. There are some pretty
17 significant differences as you realize and
18 hopefully we can talk about those also today.

19 We also have The Criminal Lobby which
20 was added in 2004 to the state law and we
21 enforce that as well with regards to lobby
22 activity. Our biggest issues deal with the
23 filing process. We are a disclosure agency.
24 The idea of the law is to get information to
25 the public about who lobbies our government,

1 Lobbying Commission Meeting
2 whom they lobby, how much is spent on each
3 effort and what issues they're lobbying about.
4 We don't get into any specifics with regard to
5 what your position, we don't care what your
6 position is, we only care that you are
7 lobbying in an attempt to influence official
8 acts of government in the legislative and
9 executive branches. That's all that I can
10 really say with regard to the background. If
11 we want to go ahead and talk about specifics
12 we can do that. Any questions up to this
13 point?

14 MR. CHAIRMAN: No, thank you, just go
15 ahead.

16 MR. MICCIO: We're going into audits.
17 Audits are one of the main tools that we use
18 in overseeing compliance with the law and also
19 it's a tool we use with investigation and a
20 tool we use with enforcement actions. Section
21 1D of the legislative law Article 1A is the
22 section which gives this commission the
23 authority to conduct random audits. Those
24 audits are done -- they had to be random.

25 What we've done, we contracted with an

1 Lobbying Commission Meeting
2 outside contractor to whom we send requests
3 for a number of audits per month, usually 45
4 to 50. They have a random number generation
5 system and they send us back a list of 45
6 numbers. We then send those numbers back to
7 them and they associate those numbers with
8 filings of the lobbyist and clients over a
9 three-year period which we send to them as we
10 get them. They have a pool of information and
11 they draw on that pool based on random
12 selection each month to do audits. We have
13 audit protocols which are filed and an outside
14 auditor who audits the process.

15 MR. CHAIRMAN: Excuse me one minute.
16 The random selection is done by The Commission
17 or the outside auditor?

18 MR. MICCIO: The outside contractor.
19 We simply request a list of 45 or 50 numbers
20 which they generate. They use that list of
21 numbers and then we send it back to them and
22 from the pool of the information we've given
23 them they attach the number to each piece of
24 information we give them. When the number
25 comes back they send us back who actually has

1 Lobbying Commission Meeting
2 been selected from what audit, what time
3 period, what type of audit, what filing.
4 Whether it's a registration. Whether it's
5 client's semiannual report. What year it's
6 for. With that information our auditors
7 contact the chosen parties, ask for the
8 information we need from the audits and the
9 auditors go forward from there.

10 MR. GINSBERG: So the short answer is
11 we, The Commission, has no role on who gets
12 selected for the audit.

13 MS. CALNERO: He was asking who
14 conducts the audits.

15 MR. MICCIO: If you're asking who
16 conducts the audits themselves, the audits are
17 done by our auditors.

18 MS. VELAZQUEZ: No, I think we
19 understand that. This is really helpful,
20 thank you. I have a question: The 45
21 full-time people that you have on staff, how
22 many of those are dedicated to doing audits
23 and are they also part of your Financial
24 Disclosure Unit?

25 MR. GINSBERG: No. We have three

1 Lobbying Commission Meeting
2 full-time auditors and they're separate from
3 our Financial Disclosure Unit, actually
4 separate in terms of their function and also
5 in terms of supervision.

6 MS. VELAZQUEZ: So you guys would do
7 approximately 30 to 45 audits per month?

8 MR. MICCIO: Forty-five usually.

9 MS. VELAZQUEZ: Forty-five per month.
10 Can you walk us through exactly what you look
11 at in an audit?

12 MR. MICCIO: Yes. When a -- let's say
13 a lobbyist filing for 2008 is selected. The
14 auditor will contact the lobbyist and tell him
15 he's been selected for random audit and for
16 2008 registration and possibly the bimonthlies
17 for that period. They will ask that they
18 provide those documents which we have copies
19 of to make sure it's the same information
20 that's there. Then we ask for documentation
21 of compensation they've received. The
22 contractor they have. Expenses they have that
23 they reported. Then the auditors check that
24 documentation to get the reported numbers that
25 they file. If they match, wonderful, positive

1 Lobbying Commission Meeting
2 audit. If they don't match then we see why
3 they don't match. Sometimes it's a clerical
4 error, maybe inadvertent mistakes that we
5 correct and we advise -- we make
6 recommendations in our reports. Sometimes
7 there are violations, many intentional. There
8 may be gifts they don't report or other
9 expenses they don't report for whatever
10 reason. The auditor then will send it on for
11 investigation. If it's not a good
12 investigation of what the discrepancy is, or
13 what the problem is, or why something
14 shouldn't have be filed --

15 MR. CHAIRMAN: The investigators are
16 your investigators?

17 MR. GINSBERG: Yes, we have our on
18 inhouse investigators. The other thing I
19 should say which is not in the audit process
20 but it's important is in our Program Unit they
21 run discrepancy reports between client reports
22 and lobbyist reports and we look at those and,
23 again, ask for explanations for those. There
24 are often a lot of discrepancies, some more
25 significant than others, and we ask for

1 Lobbying Commission Meeting
2 explanation of the discrepancies and as you
3 suspect sometimes there are reasonable
4 discrepancies and good explanations and
5 sometimes not.

6 MS. HORTON: Are these Discrepancy
7 Reports generated only for those that you're
8 auditing or for every one?

9 MR. GINSBERG: We do this for all the
10 filers.

11 MR. MICCIO: We check, basically, the
12 lobbyist filings against the client's filings;
13 they should match. If they don't match
14 identify what the differences are and why.
15 Sometimes clients have other expenses beyond
16 those generated to their lobbyist. That could
17 create a discrepancy but that can be explained
18 most of the time. Generally speaking those
19 reports of the client and the lobbyist should
20 match the period in question.

21 MS. HORTON: Thank you.

22 MR. CHAIRMAN: Please continue.

23 MR. MICCIO: Any other questions about
24 the audit process?

25 MS. VELAZQUEZ: Just for clarification,

1 Lobbying Commission Meeting
2 when you do an audit, what would be a typical
3 example of the filing period? Do you -- if
4 they have to register, I think they register
5 is it twice a year with you or once?

6 MR. MICCIO: They register biannually
7 according to the legislative year. This is
8 1112 is the present filing period. There's a
9 filing fee of \$200 for the full period. If
10 someone is filing in 2012, next year, it's
11 down to \$100. Any time between then and now
12 it's a \$200 filing fee.

13 Usually they're selected by bimonthly
14 reports a lobbyist July or August 2008 report
15 may be selected for audit; what will happen is
16 we'll ask to see the registration that
17 coincides with that period, the bimonthly
18 report. The contract with the client. We'll
19 look at the client reports, other reports.
20 Then we also ask for documentation of all the
21 information that's been filed the bimonthly
22 report is being part of it. With that,
23 auditors make findings, recommendations or
24 send it on for further investigation if, in
25 fact, there isn't a good resolution to the

1 Lobbying Commission Meeting

2 questions asked.

3 MS. VELAZQUEZ: Do you find that -- I
4 mean do you refer a significant -- what would
5 be the percentage that you would report to
6 your investigators? When do you actually kind
7 of refer it for an investigation and do you
8 guys kind of track the frequency of that?

9 MR. MICCIO: We do track it annually.
10 Right now I don't have the number but what
11 happens is, when the auditor files the report
12 with Counsel, and usually I supervise all
13 those reports, if the report has findings of
14 possible violations auditors will determine
15 possible violations if they don't get proper
16 documentation or proper answers. Those
17 possible violations are then signed by
18 Counsel, sent on to investigations with a memo
19 usually explaining what the discrepancy or
20 problem might be. Then the investigators
21 conduct an investigation, basically, based on
22 those issues.

23 MR. GINSBERG: I think it's fair to
24 say, again, I don't have the numbers here
25 right now, but a substantial number of

1 Lobbying Commission Meeting
2 activity that we can see regarding the
3 lobbying or legislative matter, for example.
4 That's probably the second largest source of
5 investigative matters. There are complaints.
6 There are anonymous tips. Information comes
7 off the streets sometimes that leads us to
8 look at different entities, different
9 individuals regarding their lobbying filings
10 and reporting, but again auditing is probably
11 the largest source overall.

12 MS. VELAZQUEZ: This is a good segue
13 into another question about enforcement
14 efforts. So what do you guys do specifically
15 in terms of -- I guess, it's similar to what
16 we do here in the City to police people or
17 entities that have already registered and are
18 in the lobbyist system, but for those that
19 have not registered, like you're saying, you
20 actually can watch TV and see advertisement
21 and stuff like that. Are there organized
22 efforts that you guys undertake to try to
23 figure out who may be out there not
24 registering and how do you deal with
25 enforcement from that perspective?

1 Lobbying Commission Meeting

2 MR. GINSBERG: Another source other
3 than the ones Ralph mentioned with complaints,
4 anonymous tips, so forth is Section 166
5 filings. Under the executive law there are
6 certain regulatory agencies, we'll call
7 regulatory agencies, that have to report to us
8 on annual basis those people who appear before
9 their agencies. We look at those filings and
10 compare them with their lobby filings to see
11 whether or not there are individuals who are
12 appearing but that aren't registered and
13 sometimes leads to unregistered activities.

14 MR. MICCIO: We also monitor the lobby
15 days also. Resources being limited that's
16 sometimes limited. Lobby days when people
17 bring in bus loads of people we find out who
18 they are and who is paying for these things.
19 Also on the internet. On the internet if
20 there appears to be lobbying activity we
21 follow up on that as well.

22 MR. CHAIRMAN: That begs the question:
23 Do you examine the City filings to see who
24 might have filed that has not filed with the
25 State?

1 Lobbying Commission Meeting

2 MR. MICCIO: As it turns out, when we
3 do audits, many times our auditors discover
4 information about City filings that are not
5 reported to us. Then we go on your website
6 and we check to see what's been filed, what's
7 not been filed. There are some situations by
8 the way where a City filer need not file in
9 the State. For example, if they're doing
10 simply a permit process or licensing, which
11 your law requires them register as lobbyist,
12 those are not included under the state law.
13 There are certain things that the City
14 requires lobbyist to register on be that
15 aren't included in the state law. Even when
16 you catch these issues there's not always a
17 violation.

18 MS. BRAGG: So is part of your audit
19 checking the City files? Is that a formal
20 part of the audit.

21 MR. MICCIO: Usually if we know the
22 auditor doing City work. Most of the time
23 they file both things so it's obvious in the
24 audit that they are doing City work they check
25 the City against the State.

1 Lobbying Commission Meeting

2 MR. CHAIRMAN: Do me a favor keep
3 talking but you just disappeared.

4 MS. VELAZQUEZ: Yeah, we lost you.

5 MR. GINSBERG: Howard went over to the
6 other table and as I mentioned before when
7 he's doing his demo you're not going to be
8 able to see us. If there are no other
9 questions about audits Shari was going to talk
10 a little bit about our investigative process.

11 MS. CALNERO: Good morning. We talked
12 about today how matters to be investigated
13 arise and just to recap they come up through
14 tracking news articles and political
15 advertisements, tips that we receive, the
16 complaints we receive and the discrepancy
17 reports as well as the section once it gets
18 filing. If indeed they determine the
19 investigation is warranted I'd like to
20 reference for you where our investigative
21 procedure is filed and that is in Section 12
22 of the executive law -- I'm sorry section,
23 9412 of the executive law. That provides that
24 our investigations are confidential up until
25 the issuance of a Notice of Reasonable Cause

1 Lobbying Commission Meeting
2 which is the equivalent of our accusatory
3 instrument. Often settlements are offered at
4 any time during the investigative process,
5 however, hearings can only be granted after
6 the issuance of this Notice of Reasonable
7 Cause.

8 The civil penalties for the various
9 Lobbying Act violations are found in
10 Legislative Law, Section 10 and there's a
11 Knowing and Willful Standard. That is what
12 The Commission has to find in order to assess
13 the civil penalty. The amounts vary depending
14 on the violation, for instance, administering
15 of late fees which are separate from
16 investigations for late reports, late
17 registrations, late bimonthlies and client
18 semiannuals, if they are indeed filed but
19 late, those fees are up to \$25 a day. If
20 reports are not filed at all, that violation
21 is up to \$25,000. If there's a false filing,
22 that is up to \$50,000.

23 MR. CHAIRMAN: When you say false
24 filing there has to be a finding that it was a
25 false finding, right?

1 Lobbying Commission Meeting

2 MR. MICCIO: Yes.

3 MR. GINSBERG: And we have to
4 demonstrate that the error in the filing was
5 knowing and willful.

6 MR. CHAIRMAN: That's after some kind
7 of tribunal hearing?

8 MR. GINSBERG: We have an
9 administrative law judge who hears the matter
10 initially, findings and a recommendation to
11 The Commission and then The Commission itself
12 determines whether or not the violation was
13 adequately proved and if so add an appropriate
14 penalty. The Commission does an overall
15 review.

16 MR. CHAIRMAN: That confirms it, The
17 Commission has to confirm the findings.

18 MR. GINSBERG: They can modify it --
19 it's an over review. They can accept it in
20 whole or in part or reject it in whole or in
21 part.

22 MR. CHAIRMAN: Now, the \$25 a day in
23 addition for late filings, is that mandatory
24 discretionary or what?

25 MR. GINSBERG: It's administrative,

1 Lobbying Commission Meeting

2 it's not mandatory --

3 MR. CHAIRMAN: Is it up to \$25 or is
4 that maximum, how do you determine it?

5 MR. GINSBERG: It's up to \$25 day,
6 actually for the first time it's \$10 per day.
7 This doesn't go through that adjudicated
8 process I just described, it's strictly an
9 administrative process. It's for violations.
10 We don't have to prove knowing and willful,
11 it's strictly a mathematical calculation, it
12 was due on this date, it was filed on that
13 date, it was 15 days late and therefore the
14 late fee should be a set number. We operate
15 pursuant to a schedule that's an internal
16 control document where it's basically a grid.
17 The other aspect of the Late Fee Program is
18 that we do have a process by which late filers
19 can apply for a waiver and for that they have
20 to file essentially an affidavit giving good
21 reasons why they're filings was late.

22 MR. CHAIRMAN: Short of such filings
23 though, what I'm trying to understand is
24 whether or not -- what it seems to be saying
25 is that the \$25 per day is almost like an

1 Lobbying Commission Meeting

2 automatic imposition --

3 MR. GINSBERG: It's authorized. In
4 fact, the schedule that we use falls below
5 that \$25 per day in almost every case.

6 MS. CALNERO: Herb, The Commission
7 reserves the right and indicates whether it's
8 an egregious violation. If they have any late
9 fees for many different clients, we reserve
10 the right to go through the Notice of
11 Reasonable Cause and hearing process in order
12 to get the maximum penalty authorized by the
13 statute.

14 MR. CHAIRMAN: Thank you.

15 MR. GINSBERG: This was put in in 2000
16 as a way to deal with, as you can imagine,
17 with 13,000 filers filing bimonthly and a lot
18 of cases of semiannually so it's an awful lot
19 of filers. It's not unusual for them to be
20 late but it didn't make any sense for to have
21 to go through this really cumbersome
22 adjudicating process --

23 MR. CHAIRMAN: No, I totally agree.

24 MR. GINSBERG: So at that time the
25 legislature authorized this Late Fee Program

1 Lobbying Commission Meeting

2 client if they had multiple violations within

3 five years.

4 MR. CHAIRMAN: When you say disbarment,

5 are you referring to the person's ability to

6 be a lobbyist?

7 MS. CALNERO: Disbarred from being

8 lobbyist, yes.

9 MR. GINSBERG: This commission has not

10 had occasion to employ that process.

11 MS. VELAZQUEZ: Have you ever had to

12 make any criminal referrals if you have a

13 false filings.

14 MR. GINSBERG: We have authority to

15 make criminal referrals, it doesn't come up

16 very often but it has come up. There's one

17 provision, and we actually made a legislative

18 proposal on this, the act prohibits contingent

19 lobbying contracts. Unfortunately, it doesn't

20 authorize civil penalties for contingent

21 lobbying contract, the only authorized penalty

22 is a criminal prosecution.

23 MR. MICCIO: Almost every other

24 violation we have there's a criminal violation

25 possible although using civil penalties method

1 Lobbying Commission Meeting
2 that those things are not to be referred for
3 prosecution. Again failure to file, false
4 filings, illegal gifts are subject to criminal
5 prosecution if we don't go to civil penalty
6 process.

7 MS. VELAZQUEZ: Do you feel that this
8 has -- this civil penalty process has -- this
9 kind of slide -- not a sliding fee but the way
10 you set out how you're going to charge for
11 late filers has helped to get more compliance?

12 MR. MICCIO: I would say so for sure.
13 As a matter of fact before the law was changed
14 back in '99 it was up to The Commission to
15 give 15-days notice for any violation of the
16 law. In those situations there was a lot of
17 non-filing going on. The law was changed in
18 '99, the whole culture changed, because it put
19 the burden on the filers to file accurately
20 and on time. Then with the additional
21 administrative late fees it really changed.
22 The way we used to have a 25 or 30 percent
23 non-filing rate pre '99 to only having like a
24 two percent non-filing rate now. So there's a
25 significant difference.

1 Lobbying Commission Meeting

2 MR. GINSBERG: Just so it's clear,
3 before this process was introduced,
4 essentially, the lobbyist would wait to get
5 caught, then The Commission would have to send
6 a 15-day notice and they would file to cure
7 the violation.

8 MR. CHAIRMAN: So the lobbyist now
9 voluntarily comes in and files on their own
10 volition, does that mean that they can be
11 forgiven, you have the option of forgiving the
12 imposition of the late fees?

13 MR. GINSBERG: We have that option. We
14 don't typically forgive completely.
15 Generally, as any enforcement agency would,
16 self-reporting and compliance and taking steps
17 to minimizing the risk of a violation in the
18 future are things we take into consideration.

19 MS. CALNERO: Just like if there's a
20 repeat offender, when The Commission is
21 considering assessing a civil penalty they'll
22 take that into consideration as well if
23 they're considering the maximum penalty.

24 MR. GINSBERG: We have had situations
25 where certain lobbyist had great difficulty

1 Lobbying Commission Meeting
2 complying. It turns out the internal
3 administrative process was inadequate. One
4 case I can think of what we agreed to there
5 was a relatively smaller monetary penalty than
6 we might have otherwise asked for but we
7 require them to take on an independent outside
8 monitor, that we had to approve, that would
9 clean up their internal process so that in the
10 future there wouldn't be violations.

11 MR. CHAIRMAN: Possible lesson for us
12 to be learned from your process. Commissioner
13 Morton?

14 MS. MORTON: Thank you. I'm interested
15 in the legal gift violations and to what
16 extent that has been applied to individuals
17 personally or public officials personally for
18 accepting gifts, versus non-profit
19 organizations that are lobbying that invite
20 public officials to events that may be
21 considered gifts.

22 MR. GINSBERG: It depends, you know, as
23 many of you know I used to be a prosecutor
24 before I had this job and, you know, how you
25 proceed with enforcement depends a lot on what

1 Lobbying Commission Meeting
2 evidence you have. So, where we've had
3 evidence -- I know there was a question about
4 non-profits. We don't treat non-profits any
5 differently than any other required filer.
6 They're treated exactly the same from our
7 perspective. We get this question all the
8 time, but there's no exception in the law for
9 not-for-profits. We don't treat them any
10 differently than we would for any other
11 filers.

12 MR. MICCIO: We understand your
13 difficulty because the City does partially
14 fund many non-profits. We don't consider
15 that; it's not part of our statute. It's
16 something, as Barry said, we treat everybody
17 equally --

18 MS. MORTON: Okay. I'm not making an
19 assumption, I'm just asking to what extent of
20 the violation that you pursued for gifts. Do
21 you know, can you say, perhaps you can tell us
22 afterwards, to what extent are non-profit
23 organizations represented in that group.

24 MR. GINSBERG: I don't have that
25 number.

1 Lobbying Commission Meeting

2 MS. MORTON: We'd be interested in that
3 number.

4 MR. GINSBERG: I can try to get that
5 number. I can say in the meantime on our
6 website there's an enforcements page and you
7 can look at every enforcement action that
8 we've had either pending or concluded at least
9 since 2007 when we started it. I'm not sure
10 how far it goes back previously.

11 MR. CHAIRMAN: Barry, let me just
12 interject. Have you found this year or the
13 previous years that there's been a reduction
14 in the amounts of fines that you've collected,
15 or an increase, or is it about the same or you
16 may not have that information?

17 MS. CALNERO: I don't have that info.

18 MR. MICCIO: If you're talking about
19 civil penalties or administrative late fees,
20 again, being it's the end of March we don't
21 have this year's information yet. Usually
22 over the course of several years it goes up
23 every year. Of course, it depends on the
24 case. If you have a major case where there's
25 a six-digit penalty, that could eskew the

1 Lobbying Commission Meeting
2 numbers obviously. Generally speaking, the
3 penalty, like the major penalties, are in the
4 thousands to tens of thousands in some cases.
5 But overall it's not a major difference year
6 to year. It usually goes up a little bit.

7 MR. GINSBERG: Lobby activity goes up a
8 little bit every year.

9 MR. CHAIRMAN: Okay.

10 MS. MORTON: Your monitor of lobbying
11 days, what is that monitoring consist of and,
12 again, the scope of the kinds of organizations
13 that you're monitoring, what do you do, and
14 who do you monitor?

15 MR. MICCIO: Well, we had an additional
16 investigator which we no longer have, we would
17 send the investigator over to the Capitol to
18 check and see what activities are going on,
19 who's lobbying, who's sending bus loads of
20 people, what groups. We'd check that against
21 the reports months down the road once
22 reporting times are due to see if they comply
23 with what we do. Again, it's something we
24 could do then and hard to do now because of
25 limited resources, but that's what we usually

1 Lobbying Commission Meeting
2 did. There's no monitoring system in terms of
3 identification cards or photographs of
4 lobbyist, nothing like that in the system in
5 the state. We don't really know who the
6 lobbyist is unless we know them personally and
7 usually they don't want us to know them
8 personally.

9 MS. MORTON: What's appropriate, you're
10 doing, I guess, what's appropriate under the
11 circumstance.

12 MR. MICCIO: Yes.

13 MS. HORTON: Have you all found that as
14 a general matter you're seeing an influence of
15 trends in terms of those who are having the
16 most difficulty either knowing that they
17 should be filing, or late filing, are you
18 seeing you're finding most of those having
19 those troubles are, for example, smaller
20 non-profits, is there no distinction amongst
21 who is having difficulties with those?

22 MR. GINSBERG: One of the things we
23 focus on if you look at our mission statements
24 an how we allocate our resources, is giving
25 advice either in the form of a training

1 Lobbying Commission Meeting

2 program or in the form of people can ask our
3 legal staff for guidance with respect to
4 compliance. So, in our experience many more
5 people want to comply with the law and simply
6 don't know what compliance means so we try to
7 educate them. We also have online resources
8 available to help with compliance. Those
9 activities have increased compliance fairly
10 dramatically, I would say. But in terms of
11 who complies versus who has more trouble
12 complying, I think, the people who aren't as
13 experienced. The bigger lobbyist who have
14 been doing it for a long time and have staff
15 dedicated to lobbying compliance probably have
16 an easier time complying than people who
17 haven't been involved or don't have the
18 benefit of staff. One of the things we
19 proposed is increasing the filing threshold
20 from \$5,000 to \$10,000 which we calculated
21 would still capture about 97 or 98 percent of
22 the lobbying dollars currently being spent but
23 eliminating something like 15 to 20 percent of
24 the filers.

25 MR. CHAIRMAN: That would probably

1 Lobbying Commission Meeting

2 affectively remove the marginal
3 not-for-profits or whatever organizations.

4 MR. GINSBERG: It would go a long way
5 towards that.

6 MR. MICCIO: There's a lot of
7 misinformation out there on the street amongst
8 lobbyist and amongst small non-profits and
9 even some new lobbying groups. Where they get
10 their information from, I'm not sure. We ask
11 them to come to us if they have a question and
12 we try to straighten those things out, but
13 that causes some problems occasionally from
14 misunderstandings of the law,
15 misunderstandings of our mission. Hopefully,
16 the City can avoid those things by having good
17 educational processes out there and advising
18 people they could go to The Commission for
19 advice. That's the key.

20 MR. CHAIRMAN: Thank you. That's the
21 process we went through in our last session.

22 MS. VELAZQUEZ: I think that, is Howard
23 the one who's going to talk about the
24 educational process or the actual filing?

25 MR. GINSBERG: He's going to give a

1 Lobbying Commission Meeting
2 demonstration of our online registration which
3 is something you wanted to see.

4 MS. VELAZQUEZ: Yes.

5 MR. GINSBERG: He is the person that
6 does most of the lobbying training so he can
7 answer those.

8 MS. VELAZQUEZ: Just before we get to
9 that one other question about the limits. You
10 guys went from 2,000 to 5,000, correct?

11 MR. MICCIO: Correct.

12 MS. VELAZQUEZ: There's been some, I
13 guess, rumblings but it's never materialized
14 that the limits might be pushed up to 10,000.

15 MR. GINSBERG: We made a recommendation
16 for that until legislative proposal -- I don't
17 know the status of it.

18 MS. VELAZQUEZ: Did you feel that
19 raising the limits was, in anyway, helpful,
20 helpful to the non-for-profits, helpful to the
21 lobbyists, helpful to you or it really just
22 didn't matter and that 10,000 would
23 actually -- well, you recommended it so I'm
24 assuming you think 10,000 would make your life
25 -- make everybody's life much easier.

1 Lobbying Commission Meeting

2 MR. GINSBERG: As I said before, we
3 estimated -- we looked at our database of
4 filers so it wasn't a random number. We
5 picked 10,000 because it would still capture
6 almost all of the lobbying dollars currently
7 being spent, I think we calculated about 97 or
8 98 percent. It would eliminate a large number
9 of filers, reducing our workload, reducing
10 audit process, reducing compliance all the
11 things we've been talking about, and allow us
12 to focus on that population that may be poses
13 a higher risk of violations while still
14 providing information of almost all the
15 lobbying activity that's currently being done.
16 That's how we arrived at that \$10,000 number.

17 MR. CHAIRMAN: That becomes meaningful
18 to us also because when we do our report
19 that's one of the issues we will in some
20 shape, matter or form address.

21 MR. GINSBERG: It's just as everybody
22 else in the state because it's fiscal -- even
23 if it weren't for the fiscal restraints. It
24 just seems to make sense to focus on those
25 people who are involved in most of the

1 Lobbying Commission Meeting
2 lobbying activity as opposed to the small
3 entity that maybe does competitively little
4 amount of lobbying. That's the thrust of that
5 recommendation. Which, by the way, this was a
6 originally a staff recommendation but it was
7 approved by our commission.

8 MS. VELAZQUEZ: Well, we're ready for
9 --

10 MR. GINSBERG: If there are no other
11 questions, I'll turn it over to Howard to do
12 the online registration. As I said while
13 that's happening you won't be able to see our
14 smiling faces.

15 MR. CHAIRMAN: Thank you.

16 MR. GRIEVES: How is everybody? I
17 promise you I actually am here, I'm just to
18 the left of Barry. Our internet connection is
19 not that long. What I'll do is I'll give you
20 a tutorial of my annual statements
21 registration. If you have any questions
22 please feel free. If you'd like to interrupt
23 I can still see you; I can see if there's
24 hands waiving or not so I'll do that now.

25 Okay, this is our registration system.

1 Lobbying Commission Meeting

2 We've been through a few different models of
3 this. Once again, I'm a trainer, I'm not an
4 IT person, so if you have any technical
5 questions let us know and we can have those
6 forwarded on to IT.

7 Generally, what we do for the staging
8 site and making sure lobbyists are registered
9 we have to go through and fill out a profile
10 form, a manage profile form. That
11 quintessentially puts you on a map of
12 disclosure when you file a biannual statement
13 of registration. This affidavit form that
14 you're seeing in front of you now needs to be
15 signed and notarized. That's how you
16 basically go through and sign up to be a
17 lobbyists in New York State.

18 Once you receive that, and our program
19 staff approves that, you're going to see a
20 registration lobbyist user ID, which you see
21 here in front you. You will be assigned a
22 number and you'll have a user ID number so you
23 can log in. Many of this information if you
24 want to go back and look at it we do have the
25 Adobe quid mail up on the right-hand side that

1 Lobbying Commission Meeting
2 lobbyist that don't have high speed internet
3 connections.

4 What I'll do is it gives you a bunch of
5 options here for procurement, non-procurement,
6 local lobbying, state lobbying and the options
7 of being a lobbyists whether they're retained,
8 employed or designated. All of these are
9 tabbed out on the top here so what I'll do is
10 just kind of go through them real quick and
11 show you guys where the information comes from
12 how the information is put together.

13 Additional lobbyists information that
14 you see here in front of you is populated from
15 the manager profile. Basically, what you're
16 doing is you're asking for a user ID, you're
17 filling out an affidavit form and you're
18 letting us know within your organization who
19 the lobbyist are going to be, and whether
20 they're going to be obtained or employed
21 through your organization.

22 All that information is already
23 pre-populated so it saves lobbyists an awful
24 lot of time. Generally the name of the
25 organization, the address and the phone number

1 Lobbying Commission Meeting
2 and all other credentials for who the
3 lobbyists are is already pre-populated in
4 there when they put a filer registration form.
5 What I'll do now is you'll notice most of this
6 is a screen shot where you're going to be able
7 to go through and tab through. These are
8 populations of all our clients that we have in
9 our database. Where this comes from, if you
10 ever file a report with us, client semiannual
11 report or a lobbyist registration, this
12 information is kind of data dumped into here
13 so you're able to just access which lobbyist,
14 which client you have and it'll give you all
15 the information for that client.

16 I'll go through and find one here which
17 I know there's information for it'll
18 pre-populate. You see it pre-populated all
19 that information into there. Once again it's
20 just a time saver for most lobbyists. They
21 have the same clients usually from year to
22 year so all that information is just dumped in
23 there. What I'll do is, since I know I'm
24 going to be lobbying for ABC Corporation,
25 health care, mental hygiene, whatever it may

1 Lobbying Commission Meeting
2 be you can populate that from the client
3 business nature. Quintessentially half the
4 form has been filled out for you already, it's
5 much easier process from the old paper filings
6 you're used to dealing with.

7 I'll go through another important
8 feature that you'll see you might want to look
9 into if you're looking to go forward and have
10 a system is being able to use different
11 platforms. Now, I have the lobby data put in
12 here for word and what a lot of people do like
13 instead of copying the bill numbers and
14 copying the information over and over it's a
15 cut and paste feature. What I have here is I
16 cut and paste information from word. Once
17 again as a timesaver it allows people to file
18 the registration quickly and then it gets up
19 to our program people to review.

20 Now, I won't take all your time going
21 through here what I'll do is click a bunch of
22 different boxes for all that information just
23 to make it a little easier. I'll actually
24 leave one blank and it asks actually for the
25 contract or authorization date restarted, I'm

1 Lobbying Commission Meeting
2 just going to make it the first day of the
3 year like Ralph and Barry mentioned earlier we
4 have a two-year registration period so that
5 information in there will automatically
6 populate itself and I'll just put that
7 information in there for you.

8 You'll notice that the attachment we
9 have we actually require a written agreement
10 from every lobbyist that gives the contract
11 date and the authorization and let's us know
12 you're going to be exceeding the \$5,000
13 threshold. That document can also be uploaded
14 itself. You'll notice I hit the upload
15 attachment and the lobbyists will be able to
16 browse all the information that's in there and
17 sample authorization form so I'll put that
18 information in there for ya and upload all
19 that information. You can see it makes it
20 very easy for a lobbyist to manage their
21 profiles, to upload contracts and delete
22 contracts. I'm just going to upload that
23 information is going to be there and I'm going
24 to refresh the information that I have and
25 you're going to see on the bottom here -- I

1 Lobbying Commission Meeting
2 know that it's small I do apologize -- the
3 sample written authorization is in there. You
4 don't have to send anything in; it does save
5 on mailing costs, it makes it a little easier
6 for the lobbyists that they do scan all their
7 contracts in anyway.

8 All that information -- there is also a
9 check here for mailing options for people that
10 do like to mail those in so what I'll do is
11 I'll go to the declaration. Now with this
12 notarized authorization form, once that's
13 filled out we do not need an electronic
14 signature so it's a check box so I'm going to
15 check the box there and I'm going to move on
16 to the fees.

17 Now, if you can imagine for lobbyists
18 doing this quite some time for a few years now
19 on this system they can probably do this
20 pretty fast and pretty easily uploading their
21 own contracts. We did this in just about
22 seven or eight minutes so if you can imagine
23 it does work for most lobbyists. There is
24 three options for the threshold; exceeding the
25 threshold, no fee required for those that

1 Lobbying Commission Meeting

2 don't exceed the threshold or if you'd like to

3 prorate it from the second half of the year

4 there's a hundred dollar fee so I won't get

5 into the review. Another option the lobbyists

6 do like to save the form. They do like to be

7 able to go to different spreadsheets, cut and

8 paste the information into the bill subject

9 numbers; all that information can be pasted in

10 there. It can also save the form so they can

11 come back and work on it. That's a real time

12 saver for some lobbyists. We used to have the

13 review the form, if you do want to print the

14 form it's a little difficult but you can

15 review the form therefore you can print it

16 you'll still have the hard copies, you'll love

17 to have those in your file cabinets. You can

18 print those and file those as well. What I'm

19 going to do here is submit the form but you're

20 going to notice that I had some errors in

21 there it's an imperfect system. What I had in

22 there is the subject matter. It'll give you

23 an error and direct you to those particular

24 points that you haven't to put anything in.

25 The subject matter it does give you the

1 Lobbying Commission Meeting
2 information pain that gives you the
3 quintessentially the subject matter or
4 anything that you haven't checked it'll make
5 you go through and correct all those in there.
6 Once you do submit it you'll get what we call
7 a confirmation number. That confirmation
8 number will be submitted to us it's trackable
9 it's submitted it puts you on the map and once
10 that registration was approved you'll be able
11 to file all the disclosure reports with
12 regards to bimonthlies.

13 Now, if you do have an organization
14 that lobbies on its own behalf they will also
15 be required to file a client semiannual report
16 which is a separate database. I know Barry
17 and Ralph mentioned it earlier having do to
18 with the checks and balances so the client
19 side of things and the lobbyist side of things
20 also need to match up so that requires two
21 separate passwords. That's basically it, are
22 there any questions at all?

23 MS. VELAZQUEZ: Yes, Howard, thank you,
24 very much. So let's just say -- you guys
25 grant extensions -- so if someone tells you

1 Lobbying Commission Meeting
2 that they think they're going to hit the
3 threshold but they can't register in a timely
4 fashion, you would grant an extension?

5 MR. MICCIO: Well, we have done that.
6 They have to actually go through counseling
7 and through the executive director if there's
8 any questions about why the extension is being
9 asked for we do offer extensions on occasion,
10 yes.

11 MS. VELAZQUEZ: You don't offer
12 extensions as a matter of course it's more an
13 exception to the rule?

14 MR. MICCIO: Correct.

15 MS. VELAZQUEZ: Let's just say even if
16 it's a small percentage -- so none of that
17 information would be in the registration
18 database then, obviously, so it's not like --
19 so once -- because here the process is a
20 little different, there's a registration
21 process but you also have to give a cancelled
22 check and stuff like that, so things kind of
23 get into the database but the person might not
24 be fully registered yet but that's not the
25 case with your date base, once you go in and

1 Lobbying Commission Meeting
2 you register you're there or how do you work
3 with the fees?

4 MR. GINSBERG: No, that's not
5 accurate.

6 MS. VELAZQUEZ: Could you explain that?

7 MR. GINSBERG: Howard mentioned the
8 form being submitted by the lobbyist and
9 approved by our Program Unit, so until that it
10 -- the Program Unit has approved it, which
11 would include, for example, the payment of the
12 fee. The form, we have it but it's not
13 available online so if somebody else wanted to
14 review that lobbyists finally wouldn't see
15 that form until it's been approved by a
16 program.

17 MR. MICCIO: And the party is not filed
18 until its been completed.

19 MS. VELAZQUEZ: So there's actual --
20 there's a human intervention piece that
21 happens, that reviews the actual online filing
22 before it's made public.

23 MR. GINSBERG: Correct.

24 MS. VELAZQUEZ: Okay, that's good to
25 know.

1 Lobbying Commission Meeting

2 MR. GINSBERG: The only other thing I
3 might mention the bad old days of paper. We
4 get a fair number of paper files.

5 MS. VELAZQUEZ: I was going to ask how
6 many people avail themselves of the paper
7 options.

8 MR. MICCIO: It's relatively small
9 number in terms of percentage. We have
10 thousands of filings. It's a small number but
11 it's a significant number because it takes
12 much more time to process, review and file.

13 MR. GINSBERG: We have data entry
14 people who do nothing but take those paper
15 files and upload them to our system because
16 ultimately it all has to end up online.

17 MS. VELAZQUEZ: The individuals who do
18 the -- so the program people, those are the
19 ones, I guess, that are in the Financial
20 Disclosure Unit? Those are the ones that do
21 the review of the online filing?

22 MR. GINSBERG: Financial disclosure is
23 separate from our program, financial
24 disclosure has nothing to do with lobbying,
25 they have --

1 Lobbying Commission Meeting

2 MS. VELAZQUEZ: Oh, for the State
3 people?

4 MS. CALNERO: Under the public
5 officers.

6 MS. VELAZQUEZ: So that's a totally
7 different part of your work not having to do
8 here.

9 MR. GINSBERG: Correct.

10 MS. VELAZQUEZ: So the Program Unit is
11 the one that deals with the financial
12 disclosures and the online filing and do that
13 review and audit of investigations.

14 MR. GINSBERG: I think I understand,
15 you're saying financial disclosures but you
16 mean lobbyists disclosures, client
17 disclosures, correct?

18 MS. VELAZQUEZ: You mentioned you had a
19 Financial Disclosure Unit at the beginning I
20 was just trying to, in terms of operationally,
21 get a sense of what you guys do as opposed to
22 what the Clerk's Office does here.

23 MR. GINSBERG: Under the Public
24 Officer's Law every state employee who is
25 designated as a policy maker and every state

1 Lobbying Commission Meeting
2 employee who makes above a certain amount this
3 year, I think it's about \$88,000 has to file
4 an annual statement, a financial statement.

5 MS. VELAZQUEZ: We have the same thing
6 but it's a different place that deals with a
7 different agency. Okay. I guess I just
8 wanted to -- I just didn't -- I didn't
9 understand that there was a Program Unit.

10 MR. MICCIO: The merger created the
11 problem. Ethics was merged with lobbying.
12 Lobbying does different things.

13 MS. CALNERO: The concept of the lobby
14 is financial disclosure. Clients have to
15 disclose their reportable expenses maybe
16 that's where the confusion was.

17 MS. VELAZQUEZ: That's fine, thank you.

18 MS. BRAGG: How much of your staff time
19 is spent on technical assistance of navigating
20 the website dealing with the filing and
21 working through that process.

22 MR. GINSBERG: Roughly 45 employees I
23 think 8 of them are devoted so not quite 20
24 percent are in our Program Unit. All they do
25 is the behind the scenes work that Howard

1 Lobbying Commission Meeting
2 referred to with respect to the lobbying
3 filings. In IT -- actually, we used to
4 outsource the hosting and management of our
5 online lobby application, you've just seen a
6 demonstration part of that, about two months
7 ago we took that into house. We have a server
8 where we house all that stuff inhouse and as a
9 result our own IT staff I guess 20 percent of
10 their time is devoted to the online lobby
11 application.

12 The other thing I would say is, our
13 online system was created more than ten years
14 ago. We would love to have the money to
15 update it and redesign it. Currently we don't
16 anticipate having that any time soon.

17 MS. VELAZQUEZ: Just to switch gears a
18 little bit with Howard to talk about the
19 educational component and some of the
20 activities that you do that would be great if
21 you can tell us about trainings or what you
22 do, what you offer to people that need
23 filings.

24 MR. GRIEVES: Sure, sure. Currently we
25 have five courses that we offer to lobbyists

1 Lobbying Commission Meeting
2 to take. Generally we spend many of the
3 traditional modes to instructor-led live
4 trainings. We do telephone conference and, if
5 you can imagine, video conference for any
6 lobbyists that may be in the City, maybe in
7 Buffalo, Rochester, outside of our reach.

8 The courses that we offer usually cover
9 the extension of the definition of lobbying
10 and procurement lobbying, public monies
11 lobbying, local lobbying but there are some
12 people out there and there's a wide base.
13 Last year we trained 167 people. We performed
14 31 training sessions representing 665 clients
15 which is roughly about \$27 million of the
16 entire pile of lobbying for the year.
17 Generally we will go just about any where, I
18 know I'll go just about any where, but a lot
19 of people, with travel being tight these days,
20 they'll do teleconference. Just to kind of
21 elaborate on what these guys started to talk
22 about with the program, it's program people
23 during the deadlines they do their own forms
24 of training where an awful lot of people call
25 up and ask to go through that system. Not so

1 Lobbying Commission Meeting

2 much now but around the 15th you'll see an
3 awful lot of people that need to be walked
4 through that system that we just previewed.

5 MR. GINSBERG: If you go on our website
6 you'll see there are training models that
7 cover those specific times.

8 MR. GRIEVES: As we mentioned the Adobe
9 Acrobat on the right-hand side of our staging
10 site and our live site are really nice little
11 tutorials for people to walk through kind of
12 quickly without having to call our office and
13 ask for a scheduled training.

14 MS. VELAZQUEZ: The five courses that
15 you offer, are they offered on a regular basis
16 or you just offer them as people --

17 MR. GRIEVES: It's funny you mention
18 that, on certain days we provide certain
19 courses. What we found is there's really a
20 difference between an employee lobbyist and a
21 retained lobbyists or law firm and an
22 organization. They have different needs.
23 It's very different to try to bridge that gap
24 between the two. What I've found, and I've
25 been doing this for several years now, people

1 Lobbying Commission Meeting
2 kind of do want to come on their own and bring
3 their people in it's kind of train the trainer
4 where they can educate the lobbyists that do
5 the work for them free of other people being
6 the room or maybe giving away the trade
7 secrets but I do find that a lot of people
8 would like to schedule on their own and that
9 works for us as well.

10 MR. GINSBERG: The only other aspect
11 that's not exactly training is the ability for
12 people to call up and talk to one of our
13 lawyers to get advice and guidance. We get
14 that, for example, a lot with respect to
15 widely attended events. The law has changed
16 pretty significantly in that area. It's
17 diminishing because the population is starting
18 to be educated but we get a lot of increase of
19 events that are being planned and how to
20 comply with the law and whether certain
21 structures that would not comply.

22 MS. MORTON: You mentioned widely
23 attended events, you also mentioned there's a
24 lot of information among certain of the
25 non-profit community and my question is that

1 Lobbying Commission Meeting
2 one of the areas where there is some
3 misinformation?

4 MR. GINSBERG: I think, you know,
5 again, the launchings in this area fairly
6 significantly in 2007 so what The Commission
7 did, was to educate the people who needed to
8 understand this difference was for the first
9 two or three years, it imposed virtually no
10 penalties or very small penalties, \$100 or so
11 in order to make the point to people that the
12 law had changed without penalizing them for
13 not understanding that this change had
14 occurred. But The Commission also announced
15 last year that this period of education with
16 respect to low penalties for noncompliance was
17 over and I think last year, or in 2009, The
18 Commission penalized lobbyist in the case
19 where there was a union \$5,000 for that aspect
20 of the law.

21 MR. MICCIO: What you should be aware
22 of regarding non-profits in particular, many
23 organizations when putting on a widely
24 attended event seek our approval ahead of
25 time, first of all that's not required. They

1 Lobbying Commission Meeting
2 feel it's required because some of the public
3 officials they want to invite are insisting
4 upon knowing in advance whether this is going
5 to be an acceptable event. The bottom line is
6 if you follow our advise online or orally,
7 look at what the history is, you don't need to
8 have approval. But we do provide it on
9 occasion and it gives people assurance that
10 there's no problem. They present that to
11 their invited guests who may have an issue on
12 the other side on the legislative matters in
13 particular, I have a personal problem with
14 that but that's me.

15 MS. MORTON: So that's one of the big
16 issues if you were to flag what are some of
17 the misconceptions that non-profits have
18 that's one of them.

19 MR. GINSBERG: As Ralph mentioned
20 before, with respect to lobbying activities we
21 do not look at, we don't ask for or ask what
22 side of an issue an organization takes, that's
23 not our concern. I think there was a view
24 that The Commission was requiring constant
25 points of view to be represented at events;

1 Lobbying Commission Meeting
2 that was never our position, it's not our
3 position.

4 MS. HORTON: When people call or write
5 in with questions about lobbying activities,
6 they have some confusion as to what
7 constitutes lobbying, do those questions
8 automatically get routed to the lawyers in
9 your unit so that there's consistency among
10 the response, how does that work?

11 MR. GRIEVES: I think there's some
12 consistency, for example, Howard may get a lot
13 of those questions as a result of doing
14 training sessions and typically before he'll
15 respond he'll come and talk to one of the
16 lawyers. I don't think there's confusion
17 among our staff about some of those things so
18 I do believe the answers tend to be
19 consistent.

20 MR. CHAIRMAN: I have one final
21 question then I'm going to thank you for your
22 cooperation. Do people who seek state pension
23 business fall under the lobbying registration
24 requirements?

25 MR. GINSBERG: That's a very

1 Lobbying Commission Meeting

2 interesting legal question.

3 MR. MICCIO: I've had this question
4 lately. Supposedly the retirement fund for
5 the State of New York is not a state agency so
6 that's subject to the state registration for
7 lobbying. This was by the recent attorney
8 general cases in which a lobbyist was charged
9 with one of the violations regarding contacts
10 with the fund but it's not a lobbying
11 violation per se. Also, in the City, my
12 understanding is, the City pension is a City
13 agency as part of the City government,
14 therefore, if you're lobbyist lobbying in the
15 City pension fund regarding our registration
16 for the City and the State for that activity.
17 Confusing, it is confusing, but that's the
18 status at the moment.

19 MR. GINSBERG: The Comptroller's Office
20 takes the position that the Common Retirement
21 Fund is not a state agency. They also take
22 the position that they will voluntarily put in
23 place virtually all of the same protections
24 that are in the lobbying acts. That's their
25 position that's not ours.

1 Lobbying Commission Meeting

2 MR. CHAIRMAN: Let me thank you for
3 your cooperation. I would hope that this will
4 continue. There's many, many issues but time
5 constrains us from going into them and we have
6 other witnesses. Thank you, I appreciate your
7 time, I appreciate your effort. We will, of
8 course, stay in constant contact and perhaps
9 between the both of us we can make some
10 greater sense out of the process, so thank you
11 very much.

12 MR. GINSBERG: Thank you.

13 MS. VELAZQUEZ: Thank you.

14 MR. CHAIRMAN: Okay, our next witness
15 is Michelle Jackson -- I have a vision problem
16 so my apologies -- Human Services Counsel.
17 For the witnesses we appreciate your written
18 submission. You have approximately three
19 minutes for your presentation. Welcome, Ms.
20 Jackson, just identify yourself and your
21 organization.

22 MS. JACKSON: Hi, how are you. My name
23 is Michelle Jackson, I'm with the Human
24 Services Counsel of New York City. I'm also
25 here with Lawyers Alliance who we work closely

1 Lobbying Commission Meeting
2 with on lobbying issues. The Human Services
3 Counsel represents over 200 not-for-profit
4 organizations service providers in New York
5 City and obviously the lobbying commission and
6 lobbying laws are of great concern of our
7 members. It's not a large portion of our
8 members but a small significant portion of our
9 membership do fall under the City and State
10 lobbying laws, so there are concerns about
11 dual reporting in particular.

12 As many policy makers not-for-profit
13 community has to work very closely with City
14 and State elected officials to provide
15 services to the community. Because of this
16 they are often captured under City and State
17 lobbying requirements and also have to usually
18 file as clients as well as lobbyist because
19 many of them do their own lobbying and do not
20 just hire outside firms. Some of them do
21 both, for example, Human Services Counsel we
22 do lobbying ourselves and we also do hire a
23 state lobbyist. There's a dual reporting
24 requirement and so I would just ask The
25 Commission to consider the burden on

1 Lobbying Commission Meeting
2 non-profits when they have to do dual filing
3 on the City and State level. Most of these
4 groups are not professional lobbyists so they
5 spend a great portion of time trying to comply
6 with these laws, but it can take a small
7 portion of administrative staff time when they
8 can do other things.

9 MR. CHAIRMAN: Ms. Jackson, I think you
10 heard the testimony of the State Commission
11 where they're recommending an increase in
12 monetary limits to \$10,000, would that be of
13 significant help?

14 MS. JACKSON: We strongly, strongly
15 support that. It's something we've been
16 asking for for a long time at the City level
17 too to also raise the reporting requirement.
18 That would knockout people just meeting the
19 requirement or may meet the requirement and
20 therefore are being proactive in lobbying but
21 a lot of the smaller non-profits with dual
22 reporting will be knocked out at both the City
23 and State level.

24 MS. VELAZQUEZ: I have just a technical
25 question in terms of what you're required to

1 Lobbying Commission Meeting
2 file. If HSC did not hire a state lobbyists,
3 would you still have to file as a lobbyist and
4 a client?

5 MS. JACKSON: Yes. Because we're our
6 own client.

7 MS. VELAZQUEZ: So for non-for-profits
8 or -- or would that -- okay go ahead.

9 MS. JACKSON: I think that would apply
10 for for-profits also who aren't hiring
11 outside. It just adds another layer of
12 reporting. I do our reporting, I do it at the
13 City level, I do it at the State level. I
14 make sure we do our client's semiannual
15 reports, our client's annual reports, those
16 kinds of things. A lot of our smaller
17 non-profits who, especially in the last few
18 years, have been taking on a little bit more
19 lobbying dates and stuff like that and because
20 of the economic crisis they're really barely
21 meeting the threshold. It takes a significant
22 amount of time to sort of make sure they're
23 complying and things like that, so raising the
24 threshold would be helpful as well as working
25 with the State closely to eliminate as many of

1 Lobbying Commission Meeting
2 the dual work as possible, really
3 synchronizing with them would be a great help.

4 MR. CHAIRMAN: That sound you heard was
5 our version of the academy award orchestra.

6 MS. JACKSON: Thank you so much for
7 your time.

8 MR. CHAIRMAN: Ken Fisher, my former
9 colleague at the City Council. Ken would be
10 good enough to identify yourself please and
11 the organization that you're here on behalf
12 of.

13 MR. FISHER: I'm glad you asked me that
14 question. My name is again, Ken Fisher. I am
15 a member of the law firm of Cozen, O'Connor
16 which is registered lobby firm invited to
17 testify. We have a lobbying affiliate cousin,
18 O'Connor Public Strategies, which is also
19 registered to lobby. As the chairman knows, I
20 lectured and published extensively on public
21 integrity issues going back to 1986 when I
22 wrote the first article about the then new
23 city lobbying law. In addition to that, on a
24 pro bono basis I'm acting as Counsel to the
25 New York Advocacy Association, which is a

1 Lobbying Commission Meeting
2 group formed by government relations
3 professionals to speak out on issues such as
4 the subject hearing today. If you're
5 wondering in which of those capacities might I
6 be required to register and on behalf of who,
7 welcome to my world.

8 I open with that, Mr. Chairman, because
9 it allows me to segue an overarching comment
10 that I want to make on behalf of the New York
11 Advocacy Association and then I'm going to get
12 into some very specific suggestions to you.
13 The United States Supreme Court made clear in
14 the Harris case more than 50 years ago that
15 lobbying laws are for the purpose of
16 transparency to allow public officials and the
17 public to know what efforts are being made to
18 influence them. They are not to regulate
19 speech. They are not to restrict the right to
20 petition the government for the redress of
21 grievances, which is in the same section of
22 the constitution as freedom of religion and
23 the press and assembly and I think that that's
24 critically important. The New York Advocacy
25 Association's position is that we support

1 Lobbying Commission Meeting
2 transparency but we oppose provisions of the
3 law or interpretations of that unduly burden
4 people who are trying to exercise their first
5 amendment rights.

6 Let me turn to a couple of specific
7 things. You've already touched, to some
8 extent, on the duplication of reporting
9 requirements. Our position is, it ought to be
10 one system. Whether it's the City or the
11 State I don't think we've reached that. The
12 City should only touch on things that are not
13 regulated by the other. I don't know that
14 it's realistic to think that either the City
15 Council or the State Legislature would give up
16 their authority in that regard, but at the
17 very minimum reports ought to be reconciled.
18 They ought to have the same kind of
19 information. They ought to be filed in the
20 same way. They ought to be electronically
21 exchangeable. They ought to be on the same
22 filing schedule so you don't have this huge
23 administrative burden, which, as you heard
24 from The Commission, requires most firms that
25 have significant lobbying activities to have

1 Lobbying Commission Meeting

2 dedicated staff just for compliance.

3 I thought the testimony of The
4 Commission on the late fees was very
5 illuminative -- I'm going to run out of time,
6 Mr. Chairman, I hope you'll indulge me. What
7 they found was, notwithstanding the fact they
8 have discretion, by having the automated
9 system they now have a 98 percent compliance
10 rate. The City Clerk doesn't interpret the
11 statute as not giving them discretion in the
12 situation -- it's a situation that I'm
13 personally familiar where the staff person
14 required for doing the filings gets sick, the
15 lobbyist in charge thinks that the filing has
16 been made, it hasn't, when it's discovered
17 they get ready to do the --

18 MR. CHAIRMAN: Ken, we're aware of that
19 problem. That's one of the issues that we're
20 looking at and I did ask the State about that
21 lack of discretion.

22 MR. FISHER: And what it means is there
23 is an incentive for you not to self-report
24 which is against public policy. By the way,
25 because the Clerk doesn't feel that they have

1 Lobbying Commission Meeting
2 any discretion, they don't provide an
3 opportunity to be heard on late filings
4 although the administrative code specifically
5 provides that there has to be a hearing at
6 which the party can attend and be heard.

7 Client annual reports serve no public
8 policy purpose. All they do is set people up
9 for a gotcha game. There is a distinction
10 between how the State looks at them and how
11 the City looks at them. Under the State
12 rules, the lobbyist can prepare and consult
13 for the client and help the client file the
14 report. Under the City rules that's
15 discouraged. They think it's prohibited but
16 in reality they can't. Here's what happens, a
17 client has to report lobbying expenses, so do
18 we. We know what lobbying expenses are, they
19 don't. If you retain my law firm and I'm
20 handling a real estate transaction for you and
21 a zoning case at the same time, I know the
22 filing fee is a lobbying expense or the Fed Ex
23 may be a lobbying expense but the title
24 report isn't. The client, in their computer
25 system just has two lines, how much they paid

1 Lobbying Commission Meeting

2 me in fees and how much they paid --

3 MR. CHAIRMAN: And there's this built
4 in discrepancy.

5 MR. FISHER: And so they have to ask
6 their lawyers what they should be reporting.
7 It serves no function now that an audit is
8 being done. At the time when there was no
9 auditing then it made some sense to have some
10 kind of a verification, but in current
11 environment where firms are subject to random
12 audit, the client report is unnecessary and
13 it's a barrier to participating in the
14 process.

15 MS. VELAZQUEZ: There is -- I'm sorry,
16 go ahead.

17 MR. FISHER: Well, let me just give you
18 one specific example: There is nothing in the
19 City Law that requires the client to enroll,
20 but we can't register as a lobbyist unless the
21 client enrolls online. Just a few months ago
22 I had a small property owner who wanted to
23 apply for a special permit at the City
24 Planning Commission so that they can have a
25 20,000 foot store rather than two 10,000 foot

1 Lobbying Commission Meeting
2 stores on their property. We told them we
3 were going to register, disclose how much they
4 were paying us they were fine with all that.
5 The minute we told them, oh, go to your
6 computer because we have to tell you how to
7 enroll, they decided to abandon the project.
8 It's not a theoretical burden and clients
9 don't know what the --

10 MR. CHAIRMAN: You perceive it as an
11 inhibiting thing?

12 MR. FISHER: Absolutely.

13 MS. VELAZQUEZ: I was going to ask you,
14 in what way -- because you said that it's
15 discouraged that the lobbyist actually help
16 the client --

17 MR. FISHER: The Clerk's Office will
18 tell you that the statute prohibits it, but in
19 practice it's impossible for the clients to do
20 the reports without consulting with the
21 lobbyists. And their result is that most
22 lobbyist wind up drafting the report. The
23 Clerk's Office will tell you that the statute
24 -- well, they have no rules, but the statute
25 in their interpretation of it, prohibits the

1 Lobbying Commission Meeting
2 lobbyists from preparing the client annual
3 report. Under the State System the lobbyist
4 is permitted to do it.

5 MR. CHAIRMAN: Will you be able to wrap
6 up soon?

7 MR. FISHER: Commencement of lobbying
8 activities, which is triggered by, what I
9 believe, is a constitutionally vague standard
10 of reasonably anticipating when lobbying
11 activity is going to occur at the City and
12 State level. The fact of the matter is that
13 there are discrepancies. In some cases the
14 City definition is better, a zoning change
15 gets picked up in the beginning under the City
16 system, it's not picked up until later under
17 the State System. Similarly with legislation,
18 when you start preparing legislation it's
19 picked up under the City System not under the
20 State System. I think the City has that
21 better.

22 There's a big issue with naming issues,
23 and this also relates to the system clean up.
24 Let me just give you one example of what I'm
25 talking about, let's assume that the Morton

1 Lobbying Commission Meeting

2 Development Company wants to develop a big
3 piece of property they they've acquired from
4 the Bragg Company. They've acquired under the
5 name of a joint venture which might be 706
6 Amsterdam Avenue Development Corporation but
7 it is a joint venture of Morton and Bragg.
8 The fees and expenses associated with
9 prosecuting that application are paid out of
10 the Morton-Berman operating account because
11 the Berman building is the cash cow of the
12 Morton Development Company.

13 MR. CHAIRMAN: We heard about that.

14 MR. FISHER: Under the State System
15 there's a little bit more flexibility as long
16 as you can document that these are all
17 affiliated entities. Under the City System,
18 we would have to register under the 706
19 Amsterdam name, the name of the property
20 owner. Then there would be a huge fight with
21 the lobbying commission over the fact that our
22 reports, you know, we might have enrolled the
23 client under the Morton Development and then
24 when they see the checks from Morton-Berman
25 they think that there's something wrong there.

1 Lobbying Commission Meeting

2 It out to be that the client or the lobbyists
3 certifies who all the affiliates are that are
4 associated with the process and that ought to
5 be the end of it. It ought not to matter who
6 the technical applicant is or where the checks
7 are coming from as long as there's full
8 disclosure of the relationships.

9 MR. CHAIRMAN: Ken, we sent out a
10 letter to every registered lobbyist in the
11 City inviting them to come up and talk and
12 come up with suggestions and I will assume
13 that you'll take advantage of that
14 information.

15 MR. FISHER: I just want to make one
16 last comment, Mr. Chairman, and that is a very
17 simple thing for our friends in the Clerk's
18 Office, and maybe they need some money to
19 implement this, the State System populates the
20 fields on a going-forward basis. They only
21 type in the lobbying targets and the subjects
22 once the City System requires you to enter
23 that information every time. We've submitted
24 to you a memo that outlines these points in a
25 little bit more detail, of course, we'll be

1 Lobbying Commission Meeting
2 happy to meet with you and we'll look forward
3 to other public hearings where we'll be
4 addressing other aspects of the law.

5 MR. CHAIRMAN: I want to thank you for
6 your submission and also you gave us a copy of
7 the Harris case which will be helpful. Any
8 more questions? Thank you.

9 Citizen's Union. Sir, is that a
10 submission of your testimony?

11 MR. CAMARDA: That is.

12 MR. CHAIRMAN: Would you state your
13 name, please.

14 MR. CAMARDA: Sure. My name is Alex
15 Camarda, I'm with the Citizen's Union. I'm
16 obviously not going to read my whole testimony
17 just briefly review parts of it. Generally
18 The Citizen's Union supports the efforts to
19 streamline the dual filing process for State
20 and City. We would caution The Commission
21 that in doing so they would ensure the proper
22 balance between transparency and the need for
23 efficiency and also note that efficiency alone
24 should not drive major policy decisions
25 related to lobbying. All that being said,

1 Lobbying Commission Meeting
2 ideally we think there ought to be one
3 electronic form for state and local filing
4 submitted through one website for which there
5 would also be one user-friendly database for
6 public disclosure of the information that's
7 filed. As The Chair mentioned, this is very
8 complex, so if one electronic filing form
9 through one website with one user-friendly
10 disclosure database could not be achieved, we
11 would recommend that the two online filing
12 systems that exists currently be made as
13 similar as possible with the ability to easily
14 download or upload information between the two
15 systems.

16 I wanted to flag a couple of
17 inconsistencies between state and local filing
18 that create complications in pursuing a more
19 unitary or seamless reporting system. First,
20 the different dollar thresholds for
21 registering that we heard about. The
22 differing definitions of lobbying. The
23 differing registration frequency between the
24 State and the City. The different reporting
25 standards for fundraisers or political

1 Lobbying Commission Meeting
2 consultants who are also lobbyist. The
3 different number of client reports and with
4 regard to clients who lobby on their own
5 behalf, as is the case for Citizen's Union, we
6 would recommend eliminating those reports.
7 The City has basically done this in practice.
8 The State requires two semiannuals. We think
9 that those should be eliminated for clients
10 lobbying on their own behalf.

11 With regards to electronic filing, the
12 City's website should be the template, not the
13 State's, and the reason for that is the
14 State's does not adequately match bill numbers
15 to subject to people lobbying and we submitted
16 information to staff regarding this. The City
17 site is much more effective in prompting the
18 user and guiding them through the process so
19 that the information is more linked and
20 connected.

21 With regard to the databases that are
22 utilized to look up information about the
23 information that's reported, we think the
24 State's database is better. It allows you --
25 it's more user friendly. It allows you to

1 Lobbying Commission Meeting
2 search, for example, our compensation amount,
3 bill number, subject matter; the City site
4 does not do that. The City site only allows
5 you to look up information by lobbyist or
6 clients. That being said, the State site is
7 hardly perfect, it crashes all the time and
8 when you actually search for information, for
9 example, by bill, you'll get the different
10 results even searching the same bill if you do
11 it twice in a row. Ideally we'd like to see
12 one public user-friendly database, but I don't
13 want to say the State's the model, it's better
14 than the City, but both are far from perfect.

15 MS. BRAGG: Just to understand, the
16 City template for the reporting but for the
17 database you'd rather the State's?

18 MR. CAMARDA: Right, that's the better
19 of the two.

20 MR. CHAIRMAN: In listening to the
21 testimony of the State Commission, their
22 recommendation extending the limit, increasing
23 the monetary threshold to 10,000, is that
24 something you would support?

25 MR. CAMARDA: I think we would withhold

1 Lobbying Commission Meeting
2 semiannual reports for clients. I think the
3 client reports ought to stay in place for
4 those who are hiring lobbyists to do their
5 lobbying for them, but for clients who are
6 doing it on their own behalf I think it should
7 be eliminated.

8 MR. CHAIRMAN: Thank you, very much,
9 sir, I appreciate your testimony and I
10 appreciate the submission as well, it's pretty
11 helpful.

12 Common Cause. Good afternoon.

13 MS. BITETTI: Good afternoon.

14 MR. CHAIRMAN: Would you be good enough
15 to identify yourself and your organization.

16 MR. BITETTI: Hi, my name is Deanna
17 Bitetti. I'm the Associate Director for
18 Common Cause New York. I will also try to
19 abridge my testimony as I think that we went
20 over the same commentary previously. Some of
21 the similar recommendations we would actually
22 say is that, you know, in comparing the actual
23 filing systems, we do actually find the City
24 System, the filing requirements, the template,
25 as previously discussed to be a lot clearer, a

1 Lobbying Commission Meeting
2 funding for third party coalition groups and
3 how these expenses themselves are selected,
4 some report these expenditures as money paid
5 to a PR firm describe the expenses, for
6 example, as a payment for a strategy, advocacy
7 and media for the group itself is never named
8 in the report. There should be a standardized
9 way of requesting that these certain expenses
10 are clearly identified and what they're for.
11 Ultimately a lot of what we're saying is that
12 through technology and better use of websites
13 and better use of open-data systems we could
14 probably make the system a lot more
15 streamlined for smaller groups.

16 In regards to some questions asked
17 about whether or not the threshold limits
18 should be raised, Common Cause, is a small
19 organization. We do the filings. We don't
20 actually agree the limits should be raised, so
21 we would actually oppose that. We think that,
22 obviously, New York State we're known to be
23 one of the top ratio of lobbyists to elected
24 officials in the nation. The more disclosure
25 the better. We need to work streamlining the

1 Lobbying Commission Meeting
2 education about this process. Making the
3 websites easier to use as reference. The
4 State website itself continuously crashes.
5 There actually isn't a save-as-you-go process.
6 Numerous times I've inputted data only to sit
7 there and literally curse my computer because
8 it crashes and I lose the hour that I just put
9 into it.

10 MR. CHAIRMAN: That is disgusting, I
11 agree.

12 MS. BITETTI: Anyway, that was very
13 unprofessional, but we don't actually think
14 the threshold limit should be raised. We
15 actually think there should be more
16 discussions looking as to how to make it more
17 comparable, however, to what the City
18 requires, the State requires so there's no
19 discrepancies or confusion about where it
20 should be filed and when.

21 MR. CHAIRMAN: Any questions? Let me
22 just extend to you, Citizen's Union and Human
23 Services Counsel, the same invitation I
24 extended to Councilman Fisher and that is that
25 we invite your participation with staff, your

1 Lobbying Commission Meeting
2 recommendations and any other aspect of the
3 law that you feel should be reviewed and we'll
4 be doing this. We have a mission to report --
5 we have to write a report sometime by the end
6 of May and submit by June, so within that time
7 frame I invite your continued participation.
8 I thank you.

9 MS. BITETTI: If you'll indulge me for
10 a second. We've done it with other open-data
11 kind of topics is the creation of a working
12 group that actually looks more specifically at
13 websites and figures out how to streamline
14 data how to make the process easier and how to
15 create a template that's more user friendly.

16 MR. CHAIRMAN: Thank you very much.
17 Ladies and gentlemen that concludes today's
18 session. We'll notify you of the next
19 hearing. In the meantime we invite anyone
20 with any information they want to share with
21 us to please contact us. Thank you, we're
22 adjourned. Thank you commissioners.

23 (Time noted 11:50 a.m.)

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Lobbying Commission Meeting

C E R T I F I C A T E

I, MICHAEL MCINTOSH, a shorthand
reporter and Notary Public within and for
the State of New York, do hereby certify:

That the witness(es) whose testimony
is hereinbefore set forth was duly sworn by
me, and the foregoing transcript is a true
record of the testimony given by such
witness(es).

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way
interested in the outcome of this matter.

MICHAEL MCINTOSH