

## Erie County Ethics Board

November Meeting Minutes

November 5, 2018 8 a.m. 16<sup>th</sup> Floor Rath Building

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### MEMBERS:

\_\_\_ Steven Schwartz, Chair  
\_\_\_ Chris Trapp, Vice-Chair  
\_\_\_ Rebecca Town, Secretary

### EXCUSED:

\_\_\_ Warren Galloway  
\_\_\_ Brian Downey

### STAFF:

\_\_\_ Leslie Ortiz-Fogg, Counsel  
\_\_\_ Vianne Uthman, Administrative Staff

### OTHERS PRESENT:

\_\_\_ Ross Kostecky, Legislature Office (recording)  
\_\_\_ Jessica Schuster, Deputy Communications Director,  
Legislature

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1. Meeting called to order at 8:23am.
  2. September 2018 meeting minutes approved on motion of Trapp, seconded by Schwartz
  3. Website / Email Updates:
    - i. Request for opinions/actions:
      - i. Complaint that was received regarding a cps worker was forwarded to Jaqueline Reynolds at the Department of Social Services as it was outside the scope of the Board.
      - ii. Complaint received regarding the Department of Probation was referred to the Department of Probation as it was outside of the scope of the Board.
      - iii. Communication expressing concern that a criminal conviction was improper was sent to both the NYS Attorney Grievance committee and the Erie County District Attorney.
      - iv. The Board received a request for an opinion on behalf of an elected official regarding a meeting the official was hosting that veterans would be in attendance and where they were approached by someone who wanted to raise money at the event. The Board had no concerns as the charitable solicitation and event were not sponsored by the legislator who would simply be providing the space.
      - v. The Board received a request for an opinion from an official who was offered tickets to a charitable event for an organization that is a recipient of county funding. The invitation explicitly referenced the relationship of the official and the agency that official is on the board of. Because the official is someone with fiscal authority over the organization, the Board issued the opinion that accepting tickets would be inappropriate as it creates the appearance of attempt to influence or award.
        1. The deliberation of this opinion raised concerns regarding the lack of clarity in the statute that will need to be addressed by the Board in the Future.
    - ii. There have been no updates to website this month.
    - iii. FOIL Requests:
      - i. The last request dated 8/20/18 by Szanyi re: Morton had been responded to
    - iv. Other communications:

4. Old Business:

- i. Brian Downey has been confirmed as member effective November 2, 2018. Schwartz will contact him before December for orientation.
- ii. A Federal Judge has dismissed the majority of claims under of the matter of Morton vs. County of Erie, et al.. Morton has filed an appeal of the state court action.
- iii. Motion to revise Rules and Regulations to include Non-disclosure and Confidentiality Agreement language, by Schwartz, seconded by Town was approved by the Board.
- iv. Requests for investigation:
  - a. The Board received a request to investigate a failure to disclose required information related to spousal income and employment. It was discovered when the information was given to the County Legislature but not reported on the financial disclosure form. Through the investigation it was apparent that the omission was caused by confusion with the financial forms which speaks in one part of outside business positions involved with the county. In this case the person not listed works for the county. A reasonable interpretation of the language in the form would be that only individuals employed by outside third parties are required to be disclosed. This investigation also revealed problems with the language of the law and leads the Board to recommend that we address language to gain clarity in the form. Therefore, no action was taken.
  - b. A request for an investigation into the possibility that confidential employee information was inappropriately gained and disclosed was received. Trapp spoke with the complainant who decided upon further review to withdraw his claim.

5. No new Business.

5. Next meeting scheduled for Monday December 3, 2018 at 8 a.m.

6. Motion to adjourn approved by Trapp seconded Town.