

Erie County Ethics Board  
February Meeting Minutes  
February 4, 2019 8 a.m. 16<sup>th</sup> Floor Rath Building

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MEMBERS:

\_\_\_ Chris Trapp, Vice-Chair  
\_\_\_ Rebecca Town, Secretary  
\_\_\_ Brian Downey

STAFF:

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

EXCUSED:

\_\_\_ Steven Schwartz (via phone)

ABSENT:

\_\_\_ Warren Galloway

OTHERS PRESENT:

\_\_\_ Ross Kostecky, Legislature Office (recording)

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1. Meeting called to order at 8:13 a.m. by Vice-Chair Trapp.
2. January 2019 meeting minutes reviewed and approved on motion of member Trapp, seconded by Town.
3. Website / Email Updates:
  - i. Request for opinions/actions: (Schwartz/Trapp/Ortiz-Fogg)
    - i. Request to investigate political contributions by County Board member as conflict of interest-deferred until March meeting
    - ii. Departments have raised questions about the definition of “policy making” individuals and who needs to disclose. Chair Schwartz spoke with them and provided them with a definition that was not contained in the county law but came from the state ethics body, JCOPE, which considers whether significant duties are policy based. Ultimately it is up to department heads to determine who should be included.
    - iii. One department had questions about providing information on past employees where they do not have current contact information. Chair Schwartz asked for whatever information they have and it will be compared to contact information from past disclosures.
  - ii. No updates to the website.
  - iii. No new FOIL Requests have been received.
  - iv. Other communications: The Board declined a request to post general Social Work information on the website. This was declined as not being appropriate.
4. Old Business:
  - i. There are no new updates in the matter of Morton vs. County of Erie, et al.:
  - ii. Letters have been sent to department heads requesting names of those required to file a disclosure were emailed on January 15 for return by end of February 2019.
    - a. No new updates on county boards that are required to have members file disclosures. Chair Schwartz will contact Central Police Services Board of Trustees for additional information.

- b. Updates on political party chairs who must file will be coming from member Downey.
- iii. The letter to filers accompanying 2018 Financial Disclosure have been revised following changes to the law: Gifts have been redefined; electronic signatures are still not allowed, and changes may be in a bold font. Language involving changes in employment information for family members and information regarding political activity was removed from the draft letter, leaving definition of gifts and travel expenses as major changes.
- iv. Updates to Financial Disclosure Form from Local Law 2-2018
  - a. Concerns regarding the definitions of dependents addressed (Q2.) While the form refers to dependent child, the local law refers to un-emancipated child which leaves out legal dependents that are not children. The first page of the form will be modified to mirror the definitional language in the local law and down the road the Board may recommend changes to this portion of the statute. A question was also raised of whether the real estate section should be amended to include property under \$5000 that is not held directly but rather as an entity such as a trust. The following language will be included: have in interest included but not limited to, a trust, an LLC, partnership after “interest” and “regardless of value”. This will be added to the letter as well. (Q6f)
  - b. (Q4) Revision of gifts section added dates received and relationship to “you, your spouse or dependent” and the word normal was removed and replacing hospitality with “food or beverage \$15 or less” added. “List additional information on page 8 if needed” also included.
  - c. (Q7) Member Trapp made revisions to the travel reimbursement section. The current form makes reference to in excess \$250 and yet the statute was changed to nominal amounts. The language “in excess of \$250” will be eliminated.
  - d. These will be reviewed at the next Board meeting and final revisions determined.
- 5. New Business: The Annual Report for 2018 is in progress and a draft report should be ready for the March meeting.
- 6. Next meeting scheduled for Monday, March 11, 2019 at 8 a.m. **(THIS IS A CHANGE)**
- 7. Motion to adjourn at 9:52 a.m. made by Downey, seconded by Trapp.