

Erie County Ethics Board  
March Meeting Minutes  
March 11, 2019 8 a.m. 16<sup>th</sup> Floor Rath Building

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<u>MEMBERS:</u>	<input type="checkbox"/> Steven Schwartz, Chair <input type="checkbox"/> Chris Trapp, Vice-Chair <input type="checkbox"/> Rebecca Town, Secretary <input type="checkbox"/> Brian Downey
<u>STAFF:</u>	<input type="checkbox"/> Leslie Ortiz-Fogg, Counsel <input type="checkbox"/> Vianne Uthman, Administrative Staff
<u>EXCUSED:</u>	<input type="checkbox"/> Warren Galloway
<u>OTHERS PRESENT:</u>	<input type="checkbox"/> Ross Kostecky, Legislature Office (recording)

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1. Meeting called to order at 8:05 a.m.
2. February 2019 meeting minutes reviewed and approved on motion by Trapp seconded by Town.
3. Website / Email Updates (Uthman /Town /Schwartz):
  - i. Request for opinions/actions:
    - i. On 1/13/19 the Board received a request for an opinion on “acceptable and unacceptable political activities” of Board members; request for opinion about political activities of an individual. (This second part was reviewed in Executive Session.) The Board has a conflict of interest policy pursuant to section 4-7 of the rules and regulations that prohibits any member from being the primary reviewer of any financial disclosure of a person that the member has significant dealings with. It is the opinion of the Board that while the members of the Board of Ethics are held to a high standard, as are other officials and individuals in the County, they are not held to a higher standard with respect to political activities, contributions, or other ethical issues which may arise. To do so arbitrarily would be to improperly limit their Constitutional right to association.
    - ii. On 2/7/19 the Board received a request from an attorney regarding appointment to Town Assessment Review Board. The Board issued an opinion between meetings that there is no conflict as long as the position will be reported and was approved by supervisor.
    - iii. On 3/2/19 the Board was asked for an opinion on whether candidates for elective office must file disclosures and responded that candidates must file a financial disclosure.
  - ii. Updates to website: NONE
  - iii. FOIL Requests: 2/3/19 Request for disclosures of political party Chair was responded to. The request raised issues as to whether it would be possible for the Board to digitize financial disclosure forms.
  - iv. Other communications:
4. Old Business:
  - i. There are no new updates in the matter of Morton vs. County of Erie, et al.
  - ii. A draft of the Annual Report for 2018 was circulated to member of the Board on 3/10/19. Motion to improve contingent on any further comments made by Trapp seconded by Downey.

- iii. Letters went to department heads requesting names of those required to file a disclosure emailed on January 15 for return by end of February, 2019. **The Board of Elections and Department of Public Works are delinquent in their filings and missed the legal deadline of February 15.** If the lists are not received by the end of the day a letter will be sent to both departments with the County Executive Poloncarz and the Chair of the Erie County Legislature copied.
      - a. The Board did a review of County Boards to make sure we were up to date on who needs to file a disclosure. Central Police Services Board of Trustees was added to list of those required to have members file. The Board now have names and addresses for those who need to file. Ortiz-Fogg has reached out to Erie Tobacco Asset Securitization Corporation which has not filed in the past to get a list from them as well. Moving forward the Board will address how to give notice to individuals who are newly appointed to boards that are required to file disclosures.
      - b. Downey has been working on updating political party chairs who must file and will have more information at the next meeting.
  - iv. A revised letter to filers accompanying 2018 Financial Disclosure was approved.
  - v. Revisions to 2018 Financial Disclosure Form from Local Law 2-2018. Discussion related to whether names and ages of dependent children are necessary. A number or small revisions were made to the form. Revisions to form and cover letter approved:
    - a. Definitions of dependents Q2.), and real estate (Q6f)
    - b. There were substantial revisions of gifts section (Q4)
    - c. Revision to travel reimbursement section (Q7)
  - vi. The Board will consider whether we have the authority to receive a signed faxed copy if we have a secure way of receiving it.
  - vii. Schedule for distribution of Financial Disclosure for 2018: March 22, 2019 by personal service or mail.
5. New Business:
- i. (Schwartz) Investigation of candidate for elected office failure to file disclosure. This individual will be contacted to make them aware of the law and ask them to file a disclosure and respond to reasons for failure to file. Trapp will draft a letter.
  - ii. In an investigation of a candidate for elected office who failed to file a disclosure it became apparent that there is no procedure in place to notify candidates of the requirement that they file with the Board of Ethics. The Board will reach out to the Board of Elections to redress this by ensuring notification of candidates of County offices of requirement to file Financial Disclosure- Board of Elections & Board of Ethics.
6. Next meeting scheduled for Monday, April 1, 2019 at 8 a.m.
7. Board voted to move to Executive Session: moved by Schwartz; seconded by Trapp and approved.
8. Motion to adjourn at 9:47 a.m. Moved by Trapp; seconded by Downey.