

Erie County Ethics Board
September Meeting Minutes
September 9, 2019 8 a.m. 16th Floor Budget Conference Room

MEMBERS:

Steven Schwartz, Chair
Chris Trapp, Vice-Chair
Brian Downey
Ellen Kennedy

STAFF:

Leslie Ortiz-Fogg, Counsel
Vianne Uthman, Administrative Staff

EXCUSED:

Rebecca Town, Secretary

OTHERS PRESENT:

Ross Kostecky, Legislature Office (recording)

1. Meeting call to order at 8:06 a.m.
2. July 2019 meeting minutes reviewed and motion to approve with correction to time (Move: Kennedy; Second: Trapp). Approved. *
3. Website / Email Updates (Uthman /Town /Schwartz):
General: There has been problems with the County receiving emails from Board members. This has substantially delayed communications and problem resolution. As volunteers, Board members are not always available to conduct investigations. This also delays the process.
 - i. Request for opinions/actions (Schwartz/Trapp):
 - i. 7/5/19-Complaint claiming improper campaign literature acknowledged on 7/29/19; Drafting response that information in question is small, obscured and difficult to identify.
 - ii. 7/18/19 Rath request for investigation of Poloncarz on use of county car and security detail at "political events" is a continuing investigation by the Board. Because both parties have acknowledged this complaint and commented in the public media, the Board determined that there is no longer an expectation of privacy which is the normal policy for such complaints. (see 5 iii. Below)
 - ii. Updates to website: (Uthman) : Normal updates of agenda and minutes.
 - iii. FOIL Requests. (Uthman/Schwartz):
 - i. 7/11/19 Request for information on any investigations of a former elected official. None found and this was communicated on 7/17/19
 - ii. 7/23/19 Request for elected official's financial disclosures responded to.
 - iii. 8/7/19 Request for salary information answered by Personnel Department and Financial Disclosures will be answered upon receipt of payment.
 - iv. 8/23/19-Complaint from Stockton, CA about poor service at nail salon answered on 9/5/19-outside of geographic jurisdiction of the Board of Ethics.
 - iv. Other communications:
 - i. 7/18/19 Schwartz offered testimony to Erie County Legislature Committee considering legislation prohibiting nepotism in hiring and supervision.
 - ii. 8/7/19 Schwartz communication to Paul Wolf about Open Government Report (2016) correcting information about Erie County Board of Ethics.

4. Old Business:

- i. Follow-up on requests for investigations
 - a. 6/24/19 Reese complaint against Poloncarz on use of county letterhead responded 7/22/19 with copy to Poloncarz
 - b. 6/29/19 Najim complaint against Poloncarz on use of county letterhead responded to 7/24/19 with copy to Poloncarz
- ii. Follow-up on FOIL requests
 - a. 6/20/19 Request for 5/20/19 letter to Board resolved by sending letter to requestor with copy to original writer
- iii. (Schwartz/Uthman) Two additional Financial Disclosure returned and will be reviewed after the meeting.
- iv. (Downey) After the meeting follow-up letters will be sent to smaller political parties requesting Financial Disclosures.

5. New Business:

- i. (Schwartz/Uthman) Review of need for Financial Disclosures identified that Erie Tobacco Asset Securitization Corporation (ETASC) Board members who have not already filed as County employees must file disclosures. The Chair with Vianne Uthman will meet with ETASC Board Chair to request disclosures.
- ii. (Schwartz/Trapp) Chair and Vice-Chair will follow-up on requests for opinions/actions between meetings
- iii. (Schwartz) Board reviewed the policy on confidentiality of identities of complainants, objects of complaints and results of investigations as effected by public information (news)

"Section 6.13 Policy of Confidentiality

Investigations and consideration by the Board of potential violations of the Ethics Code shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, as amended." Ethics Board Policy & Procedures

Where parties to a complaint or request for investigation have disclosed their role in the matter in public (i.e. public meetings or in public media) the Board may also chose to disclose the names and issues at Board meetings.

- iv. Next meeting scheduled for Monday, October 7, 2019 at 8 a.m.

6. Public Comments: NONE

7. Motion to adjourn.(Moved by Trapp, seconded by Kennedy). Meeting adjourned at 8:40 a.m.

Review of Financial Disclosures