

Erie County Ethics Board
October Meeting Minutes
October 7, 2019 8 a.m. 16th Floor Budget Conference Room

MEMBERS:

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

STAFF:

Leslie Ortiz-Fogg, Counsel
Vianne Uthman, Administrative Staff

OTHERS PRESENT:

Ross Kostecky, Legislature Office (recording)
Edward Rath, Erie County Legislator

1. Meeting call to order 8:08 am
2. September 2019 meeting minutes reviewed and approved (moved Kennedy/ seconded Trapp).
3. Website / Email Updates:
 - i. No new requests for opinions/actions have been received.
 - ii. Updates to website: minutes & agenda were posted
 - iii. No new FOIL Requests have been received.
 - iv. Other communications: On 9/20/19 Schwartz presented training session at the Ethics for New County Supervisors training focusing on nepotism in promotion and supervision. There was consensus with the Board that similar trainings should be offered on a regular basis.
4. Old Business:
 - i. Additional Financial Disclosure were to be returned from Erie Tobacco Asset Securitization Corp Board and will be reviewed after the meeting adjourns.
 - ii. Letter will be sent to follow-up with minor Political Parties to determine if any are required to file financial disclosures no later than October 31st and where necessary parties will be given until 11/25 to file disclosures.
 - iii. Response to requests for investigations (see 5 below)
 - iv. There are no new updates related to the matter of Morton v. County of Erie
5. New Business:
 - i. (Schwartz/Trapp) Follow-up on requests for opinions/actions
 - i. 9/26/19 Chair Responded to complainant who claimed improper campaign literature response that information in question was inadvertent, unintentional and too small to be noticeable. He also wrote to person identified in the complaint and cautioned about proper content of campaign literature.
 - ii. On 7/18/19 Legislator Rath requested an investigation of County Executive Poloncarz's use of county car and security detail at "political events" on July 3rd and 4th of 2019. Chair and Vice Chair Trapp investigated and will draft a final response. The Board found that law enforcement identified a legitimate threat and the use of the security details at the events in question were justified in their duty to protect. That security detail also provided for the use of an unmarked vehicle wherever the County Executive was present. At the time of the events in question, the control over the deployment of the security detail rested entirely

with the Erie County Sheriff's Office which received the County Executive's schedule of public appearances. As such, the Board concurred that generally there would be no violation under these facts.

Further questions arose regarding the effectiveness of a protective security detail when parade marchers were placed between the executive and the detail, and also about wearing election apparel at the events, however there was no consensus on issuing any cautionary language.

- ii. Next meeting scheduled for Monday, November 4, 2019 at 8 a.m

6. Public Comments

- i. Erie County Legislator Rath spoke and advocated for clarification of the rules for utilizing public resources for campaign purposes.

7. Motion to adjourn at 9:00 am by Trapp, seconded by Downey

Review of Financial Disclosures

Erie Tobacco Asset Securitization Corp Board