

Erie County Ethics Board Meeting
Minutes

June 3, 2021 8:30 a.m.:

Conference Room 727 (7th Floor)- Rath Building

MEMBERS: Steven Schwartz, Chair
Chris Trapp, Vice-Chair
Brian Downey, Secretary
Ellen Kennedy
Heather Gresham

STAFF: Leslie Ortiz-Fogg, Counsel
David Bojanowski, Support Staff

EXCUSED: None

OTHERS PRESENT: Ross Kostecky, Legislature Office (recording)

1. Meeting called to order at 8:35 am.
2. March, 2021 Meeting Minutes reviewed and approved on motion of Kennedy, seconded by Trapp. Downey and Gresham abstained. May, 2021 meeting Minutes reviewed and ending time corrected, corrected minutes approved on motion of Kennedy, seconded by Trapp. Schwartz abstained.
3. Website / Email Updates:
 - A. Request for opinions/actions: Follow-up on previous requests for opinions and new requests
 - i. Multiple complaints received regarding actions and comments made by a public official at a public protest including request for removal of said elected official. The Board response has been submitted to the complainants.
 - ii. Still awaiting further information requested regarding previous a complaint alleging “intimidation” and “inappropriate” communications from an elected official, and a complaint against the same official alleging improper use of county resources for personal and political gain.
 - iii. 5/3/2021 Response drafted in response to request for investigation of public attacks on a local business by an elected official in official communications and public social media being reviewed after further comments from complainant.
 - B. Updates to website: Minutes and agenda posted.
 - C. FOIL Requests: Previous request and three new requests for Financial Disclosure for candidates for public office will be responded to after Disclosures have been reviewed and any necessary follow-ups conducted.
 - D. Other communications:
 - i. General inquiries regarding completing the Financial Disclosure
 - ii. The Chair asked David Bojanowski to determine how we may use the Ethics Board email address for responses to inquiries, rather than the Chair’s personal email address.

iii. 5/22/2021- The Board received linked documents regarding county elected officials disclosure of family members employed by any government, as required by Local Law No. 2 (2018)*.

4. Old Business:

- A. Communications with Board of Elections to receive updated names of candidates for public office who are required to submit Financial Disclosures (Ethics Law 2018 Section 4c). The Board has been unable to communicate with one primary candidate (McElroy-C-Legislature) who has not submitted a Disclosure as required. The Board is empowered to publish the names of candidates for public office who did not file Disclosures as required by Law. The Board will review the list of candidates after the Primary Election.

5. New Business:

- A. Letters sent to 15 persons whose Disclosures were not received as of 5/20/2021, notifying them of fines for late submissions that would be waived if returned by June 3, 2021. This letter needs updating to specify fine amount. The amended fine form will have a new due date of 6/21/21 and will reference a meeting date of 6/7/21. An updated letter was approved with the previous fine of \$2000 if the disclosure is not submitted. One person from ECDOH was removed because he did not serve during 2020. Another Primary candidate for office was removed from the list after he was removed from the ballot.
- B. Updates on receipt of Disclosures: Of the 325 Disclosures required, only one Disclosure was still delinquent as of 6/27/2021, McElroy (primary candidate
- C. 5/19/2021 Chair reviewed the nine Disclosures marked for follow-up during May Board session that reviewed 78 Disclosures. Two will require letters advising them of requirements to avoid conflicts of interest. One awaiting response for missing information. All others resolved with no problems. The Chair will conduct additional follow-up reviews prior to the next meeting.
- D. Bojanowski reported on manner of submissions that 29% were mailed, 65% scanned and 3% faxed. Motion by Trapp, seconded by Gresham to authorize David Bojanowski to contact people who filled out the Disclosure, but left out information on pages, but he is not authorized to make decisions as to the information. Approved Unanimously.
- E. The Chair discussed a need to identify future community resources for the Board and had begun by contacting a faculty member in the Department of Philosophy at Canisius College.
- F. **Next meeting scheduled for Monday, July 12, 2021 at 8:30 am will require additional time after the meeting to review disclosures.**

6. No Public Comments

7. Motion to adjourn at 9:10 a.m. by Trapp, Seconded by Gresham.

Individual Financial Disclosure were reviewed by Board members following the meeting.