

# CHAUTAUQUA COUNTY ETHICS BOARD MEETING MINUTES

DATE: June 12, 2019

LOCATION: Room 331, Gerace Office Building, 3 North Erie Street, Mayville, New York 14757

TIME: 4 – 5:40 p.m.

MEMBERS PRESENT: John Lloyd  
David Rowe  
Rose Sebouhian  
Mary Kay Szejbka

MEMBERS ABSENT: Susan Dilks

OTHERS PRESENT: Amanda Gallagher from the County Executive's Office  
Kristen Wright from the County Law Department

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## CALL TO ORDER & PUBLIC NOTIFICATION:

Rose called the meeting to order at 4:03 p.m.

Amanda confirmed proper public notification was completed as the notice of today's meeting was emailed to the Post-Journal, Observer, WJTN, WDOE, and WRFA on June 3, 2019. The meeting agenda and notice was also added to the county website on June 3, 2019.

## APPROVAL OF MINUTES:

John motioned to approve the May 15, 2019 minutes, which was seconded by Rose. Mary Kay was in favor and David abstained from voting as he was not present for the last meeting.

## REVIEW CORRESPONDENCE AND COMPLAINTS:

John Lloyd said Natasha Souter accidentally sent her form to the board's P.O. Box and it was received sometime in May 2019 as the date on the postmark is illegible. Amanda also received a form from Ms. Souter that was sent to the County Executive's Office. Both forms will be reviewed as one document later in the meeting.

The Board then reviewed the letter that was tabled at the May meeting concerning a potential conflict of a former county employee. The board reviewed a draft advisory opinion concerning this issue, which if approved would be added to the "Questions

Received about the Chautauqua County Code of Ethics and Financial Disclosure Statement” sheet and training documents. The board reviewed SECTION 1, Section 4, paragraph 1 subparagraphs f and g of the Code of Ethics and its past advisory opinion regarding these parts of the Code.

John motioned to request more information from the former county employee regarding his involvement with the county as an employee with Clark Patterson Lee. Motion was not seconded, and motion failed.

After much discussion, the board felt there were no violations but that the optics of the situation did not look good even though the former employee is not working with his former department in his new capacity and further action may be needed to address this.

Dave motioned to recommend the County Legislature consider changing SECTION I, Section 4 paragraph 1 subparagraph g of the Code of Ethics to provide a two year prohibition on employees from receiving compensation from a third party for services rendered to the county. Mary Kay seconded. All in favor.

The board recommends the Code be changed as follows:

- g. no paid County officer or employee shall for two years after the termination of employment Appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) ~~in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.~~

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

The draft advisory opinion regarding this situation was not approved for inclusion in the Board’s training documents as the Board would like to hold off and wait and see if the Legislature approves this change to the Code.

David requested that the Board be notified of Legislative committee meetings so Board members can be present to discuss the proposed change should legislators have questions.

UPDATE ON NYS AUDIT:

Amanda reported that the officials from New York State are still conducting their audit of the Ethics Board. The County is unsure when the final report will be made available as it could be the end of this year or next year.

UPDATE ON ANNUAL TRAINING:

Amanda reported that she sent emails out on May 22, 2019 notifying the County Executive and Chair of the County Legislature about the board members under their oversight who did not provide confirmation indicating they received the Code of Ethics Training for the annual training period. She requested all missing individuals provide confirmation to the County Executive's Office by June 21, 2019.

Amanda reported that as of today, only 7 of the 58 individuals who did not verify receipt of the training have provided verification. She has also been notified that 3 of the 58 individuals are no longer board members so confirmation for the receipt of training materials is still missing for 48 board members.

She will provide a further update at the next Ethics Board meeting.

STATUS OF FINANCIAL DISCLOSURE FORMS AND REVIEW OF FORMS:

Amanda reported that for the period of May 1, 2019 to May 31, 2019, there were 231 forms that were approved by the Board and filed with the Clerk of the Legislature and County Clerk. All of the individuals who were sent a final notice letter have returned their forms. She has 42 forms for the board's review, which includes 3 new appointment forms, 8 annual forms, and 31 corrected annual forms. There were 4 individuals who did not correct and return their form by the June 5, 2019 deadline and they will need to be sent Final Notice letters from the Board Chair. These individuals are: Charles Cornell, Richard Mackowiak, Stacey Rivera, and Andy O'Brien.

The board reviewed the 42 forms and they were all found to be complete.

NEXT MEETING:

The board's next meeting is scheduled for Wednesday, September 18, 2019 at 4 p.m. in the Gerace Office Building, 3 N. Erie St., Mayville, NY. Room TBD.

Amanda will follow-up with the board members in August to see if this September meeting date still works for everyone.

MEETING ADJOURNED:

Rose motioned to adjourn the meeting at 5:40 p.m., which was seconded by John. All in favor.

Minutes prepared by Amanda Gallagher and respectfully submitted to John Lloyd.