

**City of Troy, Ethics Commission Monthly Agenda**  
**433 River Street Troy, New York 12180**

March 27th, 2014 - 6 pm

**I. Call to Order / Pledge**

**II. Roll Call**

Shaw Cubit Bennett Jamison Mazor Ellis Benbow

**III. Approval of Minutes from last meeting**

**IV. Open Issues**

1. Disposition of Case #E302132014 Inquiry of Councilman Wiltshire
2. Meeting with NYS Attorney General, attending State session (Shaw)
3. Case#E102072014 - Councilman Doherty (Cubit)
4. Web site update (Cubit)
5. Update on review of Open Meetings Law.

**V. New Business**

**1. Resolutions**

- a. E3 - Resolution to strike from the Ethics Commission Meeting Guidelines §3-5.

**3. Meetings and hearings.**

*(5). Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's web site prior to the meeting to the extent practicable.*

2. **Interview process for complainants and others**
3. **Annual report due to the Mayor**
4. **Establish goals**
5. **Counsel for Ethics Commission**
6. **Case review**

**VI. Public forum**

The public is encouraged to attend the ethics commissions monthly meeting to ask question related to matters discussed, turn in sworn complaints (there will be no discussion on submitted complaints) or to ask question of an ethics nature. Speakers are limited to 5 minutes and are to be directed to the Commission only.

**VII. Adjournment**

**City of Troy, Ethics Commission**  
**433 River Street, Troy, New York 12180**

Case # E302132014

IN THE MATTER OF AN INQUIRY OF  
COUNCIL PRESIDENT RODNEY WILTSHIRE

3 March 2014

Disposition of Inquiry

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Pursuant to §43-22(A) the commission agreed, on February 20th, to an inquiry stemming from questions that were presented to the commission on whether Council President Rodney Wiltshire was a stakeholder in an establishment in Troy, that was under review with other departments of the city and state.

On February 24th the commission met with Council President Wiltshire and Majority Counsel Joseph Liccardi. Councilman Wiltshire provided the necessary annual disclosure forms for 2014 and it was concluded that Councilman Wiltshire reported appropriately and it was determined that he does not have a vested or financial interest in the establishment in question.

Also it is recommended that once the administration receives the required annual disclosure forms from any person or corporation under the jurisdiction of the ethics commission, to prevent delay of research for required documents a copy be forwarded to the Commission to maintain the standard of a filing required to be completed per §47-3(B)(2) Within 30 days after becoming subject to the requirements of Subsection A of this section; §47-3. For elected officials the deadline would be 30 days from date of assuming the position, typically February 1st.

Date: 27 March 2014

Rev. Dr. Eric Shaw  
Ruth Bennett  
Kimberly Mazor  
Larry Ellis  
Norris Benbow  
Corey Jamison  
John Cubit



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### Ethics Commission

The Ethics Commission was created under the New York State Public Integrity Reform Act of 2011 and through an amendment to City Code §43-14, as an independent agency charged with promoting and enforcing The City of Troy, NY's ethics and municipal law while rebuilding public trust in government.

The Ethics Commission is charged with promoting the City of Troy Code of Ethics by developing and providing:

- clear and comprehensive conflicts of interest code, providing clear guidance to officials, employees, contractors, and citizens;
- three kinds of sensible disclosure of interests: an annual disclosure statement, disclosure when a conflict arises (transactional disclosure), and disclosure when someone bids for business or requests a permit (applicant disclosure);
- effective administration, which gives swift advisory opinions, which has a monopoly on interpreting and enforcing the code, which can give waivers for exceptions, and which provides training for all officials and employees, as well as for everyone who does business with the local government; and
- whistle-blower protection so that our city employees and others will be able to report violations without endangering their jobs and pensions.

The Ethics Commission is also responsible to provide oversight of all potential ethics issues, actual or perceived, across all municipal agencies not explicitly exempt per the City Charter. Our goal is to develop a true open government in the City of Troy, while providing direction in accountability, integrity and transparency to the citizens we represent and the government that represent them.

The Ethics Commission meets on the last Thursday of every month at 6:00 p.m. at Troy City Hall.

#### Commissioners

Rev. Dr. Eric Shaw, Chairman	Ruth Bennett	Norris Benbow
John Cubit, Secretary / Co-Chair	Kimberly Mazor	
Larry Ellis	Corey Jamison	

To contact the commission please e-mail us at [ethics@troynv.gov](mailto:ethics@troynv.gov)

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## Filing Complaints with the Ethics Commission

1. [What is a complaint?](#)
2. [How do I file a complaint?](#)
3. [May I verbally lodge a complaint at an Ethics Commission meeting?](#)
4. [May I file an anonymous complaint?](#)
5. [If I file a complaint, is my identity kept confidential?](#)
6. [What happens after I file a complaint?](#)

### 1. What is a complaint?

A complaint is a written document submitted to the Ethics Commission containing allegations that a City Official has violated one or more of the City's governmental ethics laws. The person filing the complaint with the Ethics Commission is called the "complainant." The person in the complaint who is alleged to have violated the City's governmental ethics laws is called the "respondent." All complaints must be notarized prior to submission.

### 2. How do I file a complaint?

The Commission's sworn complaint form can be filled out and printed from the Commission's website, or sent to you via mail/e-mail. The sworn complaint must be mailed or dropped off at the City Clerks Offices; it cannot be submitted electronically. Please e-mail the Commission at [ethics@troyny.gov](mailto:ethics@troyny.gov) if you would like a sworn complaint form mailed to you or call the City Clerk (518) 279-7134 or contact the Personnel office if a city employee.

### 3. May I verbally lodge a complaint at an Ethics Commission meeting?

No. The Commission's procedures, as set forth in City Code section 43-22(a), Only allows for written sworn complaints to be filed though they may be turned in during the public section of general meeting, but there will be no discussion on the matter.

### 4. May I file an anonymous complaint?

Yes. The Commission's procedures allow Commission staff to process a complaint that does not include the name of the complainant.

### 5. If I file a complaint, is my identity kept confidential?

Although certain Commission records pertaining to each complaint are available to the public following a dismissal, the identity of the complainant is always kept confidential unless the complainant authorizes the release of his or her identity.

### 6. What happens after I file a complaint?

In accordance with Ethics Commission procedures, the Commission will conduct a preliminary review of the complaint to determine whether the allegations fall within the jurisdiction of the Commission. The preliminary review is generally completed within thirty days of receiving the complaint. If Commission determines that the allegations are not within the Commission's jurisdiction, the complaint will be dismissed and letters will be sent to the complainant and respondent explaining the reasons for the dismissal.

If the Commission determines that the allegations are within the Commission's jurisdiction, the Commission will authorize an inquiry or investigation. Neither the complainant nor the respondent is notified when an inquiry or investigation is authorized. Following the conclusion of the inquiry or investigation, the results of that inquiry or investigation are presented to the Commission, which will then determine whether the matter should be dismissed, referred to another agency, a settlement negotiated, advisory opinion or disciplinary recommendation to respondents immediate reporting authority, or submitted for a probable cause hearing. If the Commission decides to dismiss the matter, both the complainant and respondent will be notified.

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2014 Regular Ethics Meetings		2014 Special Meetings	
Jan			
Feb 20	<a href="#">Agenda   Minutes</a>		
Mar 27	<a href="#">Agenda   Minutes</a>		
Apr 24	<a href="#">Agenda   Minutes</a>		
May 29	<a href="#">Agenda   Minutes</a>		
Jun 26	<a href="#">Agenda   Minutes</a>		
Jul 31	<a href="#">Agenda   Minutes</a>		
Aug 28	<a href="#">Agenda   Minutes</a>		
Sep 25	<a href="#">Agenda   Minutes</a>		
Oct 30	<a href="#">Agenda   Minutes</a>		
Nov 20	<a href="#">Agenda   Minutes</a>		
Dec 18	<a href="#">Agenda   Minutes</a>		

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### Training

The Ethics Commission is dedicated to provided training to all officials, elected and appointed, employees and those that would do business with the city. As the commission continues to develop a comprehensive ethics programs there will be dates listed for ethics presentations as well as the development of a city wide ethics training.

### Classes and Lectures

- TBA

### Online Training

- [Local Government and School Accountability](#) (provided by the New York State office of the Comptroller)

This tutorial is divided into three modules. Module One discusses Article 18 of the General Municipal Law, which is the statewide statute pertaining to conflicts of interest. Module Two covers local actions that are required or authorized by Article 18. Module Three provides case studies that illustrate real-life ethics questions and allows you to use what you have learned to resolve them.

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**Resolution amending the Ethics Commission Meeting Guidelines pursuant to §43-19  
of the Troy City Charter.**

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**Be it resolved**, pursuant to §43-19 of the Troy City Charter the Ethics Commission Meeting Guidelines are hereby amended to strike §3-5.

**3. Meetings and hearings.**

(5). Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's web site prior to the meeting to the extent practicable.

**City of Troy, Ethics Commission  
433 River Street Troy, New York 12180**

**CITY OF TROY, NY ETHICS COMMISSION MEETING GUIDELINES**

**1. Commission declaration.**

The Ethics Commission was created under the New York State Public Integrity Reform Act of 2011 and through an amendment to City Code §43-14, as an independent agency charged with promoting and enforcing The City of Troy, NY's ethics and municipal law while rebuilding public trust in government.

As a deliberative body, the Commission must meet at least monthly. All meetings are governed by Troy, NY Code of Ethics §43 of the City Code, Article 7 of the Public Officers Law which provides that all meetings or proceedings are public unless expressly provided otherwise by the Commission. The Commission is committed to conducting public meetings as appropriate and consistent with law while also protecting the integrity and confidentiality of the investigative and enforcement matters under its mandate.

The policies set forth below endeavor to implement these goals.

**2. Definitions.**

(1). "Meeting" means the official convening of a quorum, as defined in City Code §43-19, of City of Troy Code of Ethics for the purpose of conducting the functions of the Commission pursuant to statute. A commissioner shall be deemed to participate for purposes of a simple-quorum when physically present or when participating through electronic means in which the commissioner can communicate with the other commissioners and be simultaneously seen and heard, for example, through videoconferencing or similar mechanism.

(2). "Executive session" means that portion of a meeting not open to the general public.

(3). "Hearing" means an adjudicatory proceeding held by the Commission pursuant to City Code §43-23 to determine whether a civil penalty should be assessed for a violation of sections 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or Troy, NY City Code.

**3. Meetings and hearings.**

(1). The Commission shall endeavor to ensure that matters that can be addressed publicly are addressed in a public proceeding. Generally, unless doing so would be inconsistent with law, the following types of matters should be open to the public:

- a. proceedings relating to proposed guidelines and policies;
- b. proceedings relating to rulemaking and the promulgating of regulations;
- c. proceedings involving administrative matters of the Commission;

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d. discussions or proceedings involving reports on agency statistics or performance-related data, including any reports involving the Commission's publicly available data;

e. any hearing to determine whether a civil penalty should be assessed for a violation of sections 73, 73-a or 74 of the Public Officers Law, section 107 of the Civil Service Law or Troy, NY City Code. No still photography or audio or video equipment (other than equipment used by the Commission for purposes of the hearing) will be permitted at hearings, but the Commission may consider requests for exceptions that would not interfere with the orderly process of the hearing; and

f. any other matter, consistent with law and section five below, that would be open to the public pursuant to Article Seven of the Public Officers Law.

(2). The Commission shall make every reasonable effort to ensure meetings are held in facilities able to adequately accommodate members of the general public and, pursuant to Article 7 of the Public Officers Law, shall make every effort to expressly authorize attendance by the general public except for matters explicitly confidential by statute or for executive session pursuant to section five of these guidelines.

(3). The Commission shall make all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the Public Buildings Law.

(4). The Commission shall make reasonable efforts to ensure that meetings open to the general public are also open to audio and video recording, webcast, broadcast and the use of still photography. Such recording, webcast, broadcast and photography, and the equipment and personnel necessary to perform those functions, shall be reasonably accommodated so as not to interfere with the orderly proceedings of the Commission.

~~(5). Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's web site prior to the meeting to the extent practicable.~~

#### **4. Public notice.**

Public notice of the time and place of a meeting scheduled shall be conspicuously posted on the Commission's website prior to the meeting, and at least seventy-two hours before such meeting when practical. Such notice shall identify the location(s) of the meeting as well as indicate whether the Commission itself plans to webcast the meeting and its Internet address for the public to access such webcast.

#### **5. Conduct of executive sessions.**

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(1). Upon a majority vote of the Commission, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Commission shall conduct an executive session for the below enumerated purposes:

a. any matter relating to a specific investigation, enforcement or adjudication pursuant to the confidentiality restrictions of the NYS Public Officers Law Article 7 §105, including deliberations regarding the commissions recommendations or findings. However, Commission votes regarding a recommendation or findings, or votes regarding a proposed settlement will be recorded and made public upon the issuance of the final order of the Commission relating to the same. Such recording shall reflect whether each commissioner concurred, dissented, abstained, or was absent;

b. matters appealed to the Commission pursuant to guidelines, regulation, policy or statute wherein a vote by the Commission constitutes final agency action; and

c. matters involving proposed, pending or ongoing litigation; personnel matters or matters involving private information; discussions relating to the sale or lease of real property; and any other matter enumerated in Public Officers Law §105.

(2). Attendance at an executive session shall be permitted to any member of the Commission and any other persons authorized by the Commission who have signed a non-disclosure agreement.

**6. Minutes and recording of votes.**

(1). Minutes shall be taken at all open meetings of the Commission which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be made available to the public upon their approval by the Commission.

(2). Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon.