

City of Troy, Ethics Commission Monthly Meeting Minutes
433 River Street Troy, New York 12180

October 30th, 2014 - 6 pm

I. Call to Order

II. Roll Call

Shaw Cubit Bennett Mazor Ellis Benbow Jamison

III. Approval of Minutes from last meeting

Motion Jamison - 2nd Mazor

Vote 6 yes 0 no

IV. Open Issues

1. Annual disclosures - *Commissioner Bennett said that disclosures were in a good state. The question still remains on why we are having disclosure statements from IDA/LDC members if the City's Corporate Counsel's opinion is that they are not under the Commission's jurisdiction? Commissioner Bennett also questioned if we are to receive all disclosures from anyone appointed why have we not received disclosures from the City Civil Service Commission? Are they exempt? Counsel will review those status and provide a legal update. Commissioner Cubit asked is it possible that the City just uses a blanket policy for everyone, if so should that not just cover all city employees, officials and anyone appointed regardless? Commissioner Cubit also asked what the next step was with the four non-compliant disclosures, only 3 responses have been turned in and one of those still has not been filed to the secretary for the record? No resolution was provided.*
2. Jurisdiction Questions - *Tabled from August further clarification (Ref B.) Refer to #1.*
3. Review of items identified by John Mancini - *Commissioner Jamison and Commissioner Mazor will gather various legislation for review of Nepotism in The City's Code of Ethics for fine tuning. Motion Bennett 2nd Benbow*
Vote 6 yes 0 no
4. Getting the word out on the on-line training - *Chairman Shaw will be present at the November 6th, 2014 City Council Meeting to encourage the Council to take the voluntary on-line training. Any Commission members are encouraged to attend.*

V. New Business

1. Case review - new cases, potential cases.
 - *E509152014-Sworn Complaint - Determination (Ref C.) - Commissioner Cubit requested a motion to transfer Chair of the Complaint to Commissioner Jamison. Motioned by Commission Mazor, Second by Commissioner Benbow. Commission Chairman Shaw recused himself from the case, but remained present for deliberation. Commissioner Jamison opened discussion with opinion on case from Chairman Shaw but commission reminded that he has recused himself there for no discussion of that opinion should be entertained. Commissioner Cubit recommend that either the case be dismissed due to the fact that Sgt. Hoffman provided the public comment as PBA President and the Commission has no jurisdiction over the PBA or even that per Commission Counsel and Corporate Counsel has provided opinions that the Commission has no jurisdiction over the Troy Police Department, other than the*

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Chief of Police or the case should be placed on hold since it was confirmed that the City was investigating a complaint filed by Councilwoman Robertson against the City, in conjunction with the complaint filed with the Commission. City Code requires that any current investigation will be suspended in the event of another agency conducting an investigation over the same claim. Commission Counsel disagreed on the investigation being suspended, but stated that case should be closed due to no substantial proof was provided of "Official Misconduct" as it relates to the Ethics Code and as the New York Penal Law 195 refers to "Official Misconduct" there could be an ethics violation but a violation of ethics does not necessarily correlate to "Official Misconduct". Majority of the Commission agreed.

It was suggested a letter be sent to Councilwoman Robertson that the matter will be dismissed and subject to amending the original complaint provided more substantial proof that through violation of "Official Misconduct" and ethics violation occurred. Commissioner Bennett requested that a template be created for future use. Commissioner Cubit stated that a template already exists in the Commissions records. Commissioner Bennett requested that it be mailed to the Commission for review. Commissioner Jamison will draft the "Letter of Disposition" and email both the template and the final for Commission review.

*Motion to dismiss: Benbow Second: Bennett
Vote 6 yes 0 no*

VI. Public forum

The public is encouraged to attend the ethics commissions monthly meeting to address the commission, or to turn in sworn complaints (there will be no discussion on submitted complaints or current cases). Speakers are limited to 5 minutes and are to be directed to the Commission only.

VII. Adjournment - 7:40pm