

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

November 20th, 2014 - 6 pm

I. Call to Order

6:05pm

II. Roll Call

Present - Shaw Cubit Bennett Mazor Benbow Jamison

Absent - Ellis

III. Approval of Minutes from last meeting

Motion Jamison Second Benbow

Yes - 6 No - 0

IV. Open Issues

1. Annual disclosures and Jurisdiction - *Commissioner Bennett / Commission Counsel*
Commissioner Cubit commented that currently we are looking at about 28% deficiency of annual disclosures. Commissioner Bennett will send letters to those deficiencies that remain. Commission Counsel will verify on the status of the City's Civil Service Commission and whether they should have filed or not. Commissioner Bennett turned in one disclosure statement that was given to her.
2. Changes and review of Nepotism - *Commissioners Jamison and Mazor*
Tabled for Dec. 18th meeting.

V. New Business

1. Case review
 - *Case #E610082014 - Review*
Chairman Shaw recused. Commissioner Cubit motioned to transfer chair to Commissioner Jamison, Second Bennett. Chairwoman Jamison discussed the definition of retaliation based on documents provided by John Mancini of the Committee of Mayors, citing §592 NY Jurisprudence definition of Retaliatory, indicating there would need to be an employer employee relation between Councilwoman Robertson and Sgt. Hoffman. Additionally, there is no proof provided by Sgt. Hoffman of adverse impact, which would need to be present in order to consider this a technical matter of ethical concern.
Commission Council cited that if review City Code §43.3.1 per Sgt. Hoffman's complaint it could possibly be established based on the vagueness of the City Code but that Sgt. Hoffman should provide more supporting evidence to his claim, that there have been retaliatory actions against himself as a result of his complaint to City Council.
Commissioner Bennett felt that this is not even a case and we should not be hearing it due to its potential of just being bad behavior due to feelings being hurt. Commissioner Benbow requested a short review of the complaint for clarification of what transpired. Commissioner Cubit covered the events of the City Council meeting that originated the complaint. Commissioner Mazor reiterated what had transpired as well.
Commissioner Jamison felt that case should not be dismissed but suspended to give Sgt. Hoffman the opportunity to provide proof of retaliation, Commissioner Cubit disagreed, feeling that we should have Sgt. Hoffman appear before us and discuss his complaint. Commissioner Cubit also cited that Sgt Hoffman's complaint is in regards to a violation of §43.3.1. Commissioner Cubit also added that Sgt. Hoffman's complaint fits specifically to

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the city code in A.1 and A.2 and therefore is a violation of that section and we should in fact pursue the complaint not suspend.

Motioned entered to suspend complaint.

Motioned Bennett Second Mazor

Yes - 4 (Jamison, Bennett, Mazor, Benbow) No - 1 (Cubit)

Counsel will draft a letter for Chairwoman Jamison citing Westlaw §592, not the city code, that Sgt. Hoffman needs to show actual retaliation (adverse impact)

Chair returned to Chairman Shaw.

- *Case #E711172014 - Review*

Case not to be opened at this time pending an official filing but based on facts presented issue should be handled by the City Council President as this is an internal issue of conduct not ethics as it was presented. Chairman Shaw will contact to complainant and advise. Case number stricken from record.

Motion Cubit Second Jamison

Yes - 6 No - 0

2. End of terms

Per Chairman Shaw, 5 of the current sitting Commission members are at the end of their terms and should be in touch with their appointing authority for replacements. Two are needed from the Mayor, one from the City Counsel senior minority and two from the City Counsel senior majority. If commission members could make recommendations to their respective authority as soon as possible since January 2015 will be the Commissions organizational meeting.

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

Adjourned 7:40pm

Next meeting Dec 18th at 6:00pm