

Board of Ethics

**BOARD OF ETHICS MEETING MINUTES  
THURSDAY, OCTOBER 25, 2018**

**Public Meeting:**

**BOARD OF ETHICS MEMBERS IN ATTENDANCE:**

Kitley Covill  
Dennis Kremer  
Walter Matystik  
Brett Summers

**ALSO IN ATTENDANCE:** Sr. Assistant County Attorney Justin Adin  
Assistant County Attorney Gregory Meyer  
Special Counsel – Steven G. Leventhal

**ABSENT:**

Joshua Mandel

1. The meeting was called to order by Walter Matystik at 9:30 a.m.
2. Minor revisions were made to the September 27, 2018 Minutes. Mr. Summers made a motion to accept the minutes as revised and it was seconded by Mr. Kremer at 9:32 a.m. and unanimously approved.
3. Revisions were made to today's Agenda regarding old/new business. Updates were made and a motion was made by Mr. Kremer, seconded by Ms. Covill and unanimously approved to adopt today's Agenda at 9:35 a.m.
4. No public comment period was needed.
5. **UNFINISHED BUSINESS:**

**5.1**

The Special Counsel discussed the financial disclosure review process with the new Representatives of the Law Department, Sr. Assistant County Attorney Justin Adin and Assistant County Attorney Gregory Meyer.

- The Board discussed the provision for candidates and filing deadlines and how a possible new set of guidelines may be needed for same.
  - The Board discussed the fact that the Board of Ethics, given the current Code, may not be able to eliminate the need for the filing of financial disclosure forms for non-policy making boards and commissions.
  - The Special Counsel will be working with the Law Department to formulate a draft of revised local law guidelines.
  - This discussion was then deferred until more information on guidelines and definitions can be researched.

## **5.2**

- The Board discussed and agreed that no further action would be taken regarding individuals who failed to file 2016 Financial Disclosures and have since resigned.
- The Board discussed and agreed that the two remaining policy making individuals who failed to file their 2016 Financial Disclosures should receive another letter demanding compliance.

## **5.3**

- The Special Counsel's new contract goes before the Board of Acquisition and Contracts at their next meeting on November 1, 2018, for final approval with an expanded scope of work.
- The Special Counsel has set aside November 9<sup>th</sup>, December 13<sup>th</sup> and December 27<sup>th</sup> to begin the review of the 2017 Financial Disclosures.
- The Board discussed the timeframe and length of contract including a possible multi-year contract for the Special Counsel going forward. The Board agreed with Member Covill's recommendation that the resolution for the Special Counsels' next contract should be discussed in the March meeting.

## **5.4**

- The Board discussed the fact that there are most likely three vacancies which need to be filled on the Board.

# **6. NEW BUSINESS**

## **6.1**

- The Special Counsel discussed the new Code of Ethics that he is working on for the Board.
- A discussion was held regarding the objective of the Code which is to basically prevent and educate and implement simple standards of conduct so as to avoid any ethics violations.
- The Special Counsel discussed how definitions are not helpful with the Code of Ethics.
- The four sources used by the Special Counsel to formulate the new Code of Ethics are:
  - 1) The provisions of Article 18;
  - 2) Referring to the State Comptroller's Model Code of Ethics;
  - 3) A trilogy of articles written by Mark Davies' which discuss the drafting of local codes;
  - 4) A series of cases dating back to the 1970's with common law principles.
- The Special Counsel has organized the proposed Code in three primary subdivisions:
  - 1) Code of conduct;
  - 2) Disclosure requirements;
  - 3) Administration and enforcement.
- The Board agreed that a joint work session with the Special Counsel is needed to rewrite the new Code of Ethics. The date agreed upon is November 28<sup>th</sup> from 11 am to 3 pm.

## **6.2**

- The Special Counsel will be working with the Law Department to review the policy-making titles for the Board.

**6.3**

- The Special Counsel and Sr. ACA Adin will be working together on getting ethics training sessions scheduled for elected officials, attorneys, commissioners, etc.

**6.4**

- This item was deferred.

**6.5**

- This item was deferred.

**7.** No Executive Session was needed.

**8.** The main item recommended for the next Agenda is to finalize the 2016 Financial Disclosure Report unless additional conflicts arise.

**9.** The next meeting is scheduled for Tuesday, November 27, 2018 at 11:00 a.m. for a work session.

**10.** The next Board of Ethics meeting date will be decided at the work session on November 27<sup>th</sup>.

**ADJOURNMENT** - At 11:52 a.m. a motion was made to adjourn the meeting by the Chair.

Submitted by:

Ellen A. Trotta  
Legal Secretary II  
(Secretary to the Board of Ethics)