

CITY OF COHOES



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MEMBERS

ROSWITA APKARIAN FRAGOMENI
WILLIAM T. KEELER
MITCHELL PAWLUK

ALTERNATE

CHARLES G. VALENTI

BOARD OF ETHICS

DECISION: COMPLAINT #11-1

Background

On or around September 17, 2011, the City of Cohoes (the “City”) received a Complaint addressed to the City of Cohoes Board of Ethics (the “Board”), dated September 14, 2011. In addition to the Complaint, a number of documents and materials accompanied the Complaint in a sealed envelope (hereinafter “Complaint”). On September 21, 2011, copies of the Complaint were distributed amongst all four members of the Board.

Between September 21, 2011 and the Board’s following meeting on September 26, 2011, each member of the Board thoroughly reviewed the Complaint and all accompanying materials. On September 26, 2011, the Board convened a meeting at 6:00 p.m. at City Hall, the Board’s regularly scheduled time and meeting place. At this meeting, each member of the Board discussed his or her understanding of the facts as presented in the Complaint, as well as any questions or opinions regarding the facts alleged in the Complaint.

Allegations

The Complaint alleges that during the period of 2004 and 2005, City of Cohoes Councilman George Primeau received a gift valued at over \$75.00, in violation of the City of Cohoes Code of Ethics, section 36-20 of the City Code. The Complaint does not allege any possible violations of the City’s Ethics Code occurring after September 28, 2010.

Discussion

The Board of Ethics was created on September 28, 2010 as part of a larger overhaul of the City’s Ethics Code (see, Local Law No. 4-I [2010]). This law took effect immediately, with the establishment of the Board codified in the City Code at section 36-19.

Since the Complaint did not contain any allegations of violations of the City’s Ethics Code occurring after September 28, 2010—the date of the Board’s creation—this Board does not have the authority to conduct a hearing, determine a violation,

recommend disciplinary action, or impose a civil fine in response to the violations alleged in the Complaint. Furthermore, during its August 15, 2011 meeting, the Board agreed that only complaints alleging violations that occurred after the Board's creation would be considered. This discussion was memorialized in the Board's minutes from the August 15, 2011 meeting, which may be accessed through the City's website. Finally, there is no evidence in the legislative history or public hearing held prior to passage of Local Law No. 4-I (2010), that the Common Council intended the Board to have the authority to determine violations of the City's Ethics Code that occurred prior to September 28, 2010.

Conclusion

Therefore, after a thorough review of the Complaint, as well as all accompanying materials, the Board has decided to dismiss the Complaint. This decision shall constitute a final determination by the Board.

CONCUR:

Mitchell J. Pawluk, Chairman
Roswita Apkarian Fragomeni, Member

DISSENT:

William T. Keeler, Member

PRESENT:

Charles G. Valenti, Alternate Member

October 24, 2011