

CITY OF COHOES

Charles Valenti, Chairperson
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BOARD OF ETHICS

DECISION: COMPLAINT #14-1

BACKGROUND

PRIOR TO THE DECEMBER 29, 2014 MEETING OF THE COHOES BOARD OF ETHICS (THE "BOARD"), COMPLAINT #14-1 WAS RECEIVED AND DISSEMINATED TO ITS MEMBERS. THE BOARD REVIEWED THE COMPLAINT AND INVITED THE COMPLAINANT TO APPEAR AT THE DECEMBER 29, 2014 MEETING. THE COMPLAINANT APPEARED BEFORE THE BOARD AND OUTLINED HIS CASE DURING THE MEETING. THE COMPLAINANT WAS GIVEN AS MUCH TIME AS HE NEEDED TO MAKE THE PRESENTATION. IN FEBRUARY, 2015 THE COMPLAINANT FORWARDED ADDITIONAL DOCUMENTATION IN SUPPORT OF HIS ALLEGATIONS.

ON JANUARY 26, 2015 THE BOARD CONVENED A MEETING TO HEAR THE TESTIMONY OF TWO CITY DEPARTMENT HEADS WHO WERE INVOLVED IN COMPLAINT #14-1. EACH OUTLINED HIS CASE AND WAS GIVEN AS MUCH TIME AS NEEDED TO MAKE HIS PRESENTATION.

ALLEGATIONS

THE COMPLAINT ALLEGES THAT THE CITY ASSESSOR HAS VIOLATED SECTION 36-13 OF THE COHOES CODE OF ETHICS WHICH STATES THAT "*NO MUNICIPAL OFFICER OR EMPLOYEE MAY USE OR PERMIT THE USE OF MUNICIPAL RESOURCES FOR PERSONAL OR PRIVATE PURPOSES.*" TO BE SPECIFIC THE COMPLAINT ALLEGES THAT THE CITY ASSESSOR UTILIZED THE SERVICES OF A LAW FIRM THAT IS EMPLOYED BY THE CITY TO LITIGATE TAX MATTERS FOR HIS PERSONAL USE IN REGARD TO THE POTENTIAL OF A DEFAMATION LAWSUIT AGAINST PEOPLE WHO HAVE COMPLAINTS AGAINST HIM, AS WELL AS IN REGARD TO A COMPLAINT TO THE NEW YORK STATE ASSESSORS ASSOCIATION.

DISCUSSION

THE BOARD THOROUGHLY REVIEWED THE DOCUMENTATION SUBMITTED BY THE PARTIES INVOLVED AND CONSIDERED THE TESTIMONY PRESENTED AT THE MEETINGS. THE BOARD ACKNOWLEDGED THAT MUNICIPAL RESOURCES WERE

USED FOR THE SERVICES OF THE LAW FIRM TO INVESTIGATE THE POTENTIAL OF A DEFAMATION LAWSUIT AND TO INVESTIGATE A COMPLAINT TO THE NEW YORK STATE ASSESSORS ASSOCIATION. HOWEVER, THE BOARD FELT THAT THE USE OF THE MUNICIPAL RESOURCES WERE APPROPRIATE SINCE IN BOTH SITUATIONS THEY WERE EXPENDED IN MATTERS CONCERNING THE ASSESSOR AS A MUNICIPAL OFFICER OR EMPLOYEE, NOT AS A PRIVATE INDIVIDUAL. THE BOARD NOTED AN E-MAIL SUBMITTED BY THE COMPLAINANT TO THE BOARD WHICH WAS DATED FEBRUARY 6, 2014. IN THAT E-MAIL ONE OF THE ATTORNEYS IN THE LAW FIRM REFERRED TO THE ISSUES INVOLVED IN A DEFAMATION SUIT THAT IS COMMENCED BY A PUBLIC OFFICIAL. NONE OF THE DOCUMENTATION SUBMITTED BY THE COMPLAINANT REFERRED TO MATTERS RELATING TO THE CITY ASSESSOR AS A PRIVATE INDIVIDUAL. THE BOARD ALSO NOTED THAT THE CITY OF COHOES PAID THE DUES OF THE CITY ASSESSOR AS A MEMBER OF THE NEW YORK STATE ASSESSORS ASSOCIATION. THE CITY ASSESSOR DID NOT PAY THE DUES AS A PRIVATE INDIVIDUAL.

CONCLUSION

AFTER A THOROUGH REVIEW OF COMPLAINT #14-1, AS WELL AS ALL ACCOMPANYING DOCUMENTATION AND TESTIMONY, THE BOARD DECIDED TO DISMISS THE COMPLAINT AS UNFOUNDED. THIS DECISION SHALL CONSTITUTE THE FINAL DETERMINATION BY THE BOARD.

CONCUR:

CHARLES VALENTI, CHAIRPERSON

DEBORAH USMANU, MEMBER

DAVID EMANATIAN, MEMBER

EXCUSED:

LAURA ANGLIN, ALTERNATE MEMBER

FEBRUARY 23, 2015