

CITY OF COHOES



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BOARD OF ETHICS

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DECISION: COMPLAINT #13-1

Background

Prior to the July 15, 2013 meeting of the Cohoes Board of Ethics (the “Board”), Complaint #13-1 was received and disseminated to its members. During the above meeting, the Board reviewed the complaint and subsequently invited the complainant to appear at the next Board meeting. Thereafter, the complainant, accompanied by a supporter, personally appeared before the Board and outlined his case during an hour long presentation. During the summer and fall of 2013, the complainant forwarded additional correspondences and provided voluminous records regarding his allegations. On February 24, 2014, the Board convened a meeting at 5:00 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 issues as presented in the complaint, as well as any questions or opinions regarding same.

Allegations

The complaint alleges that, over a period of years, the city assessor has violated section 36 -6 of the Code of Ethics, which requires that, “*An officer or employee of the City of Cohoes shall treat all members of the public...with respect and in a professional manner, with equal consideration and without special advantage in carrying out his or her official duties*”. Specifically, the complainant alleged he had been singled out and targeted by a “heavy handed over bearing” assessor who:

- 1) photographed complainant siding an unrelated house and then posted the picture on the assessor’s official website;
- 2) took 14 photographs of the exterior of complainant’s residence;
- 3) sent “intrusive” emails “demanding internal inventory verification” and implying the complainant was being “watched”;
- 4) posted improper photographs of the interior of complainant’s residence on assessor’s official website;
- 5) repeatedly failed to properly assess the value of complainant’s residence compared to similar properties nearby, as well as unfair valuations concerning additions and demolition to the property.

Discussion

Both the complainant and the assessor personally appeared before the Board, and each provided paperwork they considered favorable to their cause.

1) *The aforesaid photograph of the complainant siding an unrelated residence, subsequently posted on the assessor's website:* The individual in the photograph has his back to the distant camera and is unrecognizable. Additionally, the photograph of the residential upgrade is within the scope of the assessor's official role. Accordingly, the photograph, on its own and in the context of the present complaint, is harmless.

2) *Excessive photographs of complainant's residence:* Photographs of the exterior of residences in the city are kept on file with the assessor's office. Considering the considerable and multiple changes made to this property under the complainant's ownership, 14 such photographs do not seem unreasonable.

3) *Intrusive emails from assessor:* All pertinent emails provided were found to be professional in nature.

4) *Improper photographs of the interior of residence:* Rebutted by assessor who explained the photograph(s) were taken to confirm a lack of baseboard heating. This justified the removal of "living space" and thus was not unfavorable to the complainant's re-assessment. It was also in keeping with the assessors official duties. By all accounts the photograph was removed at complainant's request prior to the Board's involvement.

5) *Repeated failure to properly assess the complainant's residence:* The assessor acknowledged that a number of property owners disagree with the value he places on their properties. For that reason, there is a formal grievance process in place to resolve such disputes. In the present case, the complainant availed himself of that process on a number of occasions, prevailing less frequently than he would like. In fact, he advised the Board that he has spent considerable sums appealing his assessment(s) in a higher state court. As such a case is reportedly pending, it offers no guidance in the present matter. The Board acknowledges its lack of expertise, but a sample comparison of city properties revealed the complainant's current assessment is not out of line with similar properties. Furthermore, the Board accepts the findings of the city Board of Assessment Review which, overall, reflect favorably on the assessor vis-à-vis this complaint.

Conclusion

After a lengthy review, the Board determined the matter - as it pertains to section 36-6 (Treatment of Public) of the Code of Ethics - to be closed as Unsubstantiated.

CONCUR:

William T. Keeler, Chairman

Deborah Usmanu, Member

Charles G. Valenti, Member

PRESENT:

Alternate Member

David Emanatian

February 24, 2014

cc: Common Council