

City of Rochester Board of Ethics – November 16, 2021

MINUTES

Meeting called to order at 6:30 pm by Board Chair Carl Steinbrenner. This meeting was held via video conference in response to a NYS law passed September 1, 2020 allowing public meetings to be held virtually.

Members present:

Mia Cannon
Doug Escher
Kevin Graham
James Patterson
Hon. Loretta Scott
Carl Steinbrenner
Timothy Weir

Members Not Present: N/A

Non-Members Present:

Patrick Beath, Acting Corporation Counsel
Conor Reynolds

Approval of Minutes

- Approval of Minutes for the September 7, 2021 meeting were unanimously approved.

Pending Business:

- The Board reviewed draft advisory opinion 2021-1 relating to C21-1, a complaint concerning a written correspondence distributed to the public by City Councilmember Mary Lupien on March 11, 2021. The draft was approved as written by six board members. Board member Scott requested additional time to review the draft opinion and agreed to respond by email regarding her approval. Upon receiving feedback from all board members, Secretary Weir will ensure the final draft of the opinion is filed with the City Clerk and posted on the Board of Ethics website.

The board then considered the amended complaint, C21-1a, from the Rochester Police Locust Club which alleges Councilmember Lupien released nonpublic information regarding ongoing civil litigation involving the City.

Acting Corporation Counsel (ACC) Beath advised that based on a legal review of the material provided by the complainant, he found no evidence that Councilmember Lupien disclosed nonpublic information. ACC Beath documented the results of his review in a memo to the BOE dated November 15, 2021. Based on this information, the board unanimously decided to not accept this complaint for further consideration. Chair Steinbrenner requested that written notification of the board's decision be provided to the complainant.

The board also discussed complaint C21-2 which alleges conflict of interest violations against members of the Police Accountability Board (PAB) relating to their attendance at a post-election gathering during which "anti-police chants" were captured on video and posted to twitter and facebook accounts.

Regarding C21-2, ACC Beath advised the board has no authority to consider conflict of interest provisions set forth in Section 18-9 of the City Charter. ACC Beath and the board agreed that Section 2-18(C)(1) of the City Charter does not apply since there were no "interests" held by the PAB members with respect their participation in the post-election celebration. The board discussed whether or not it had the authority to consider ethical provisions set forth in the New York Municipal Law. ACC Beath agreed to research this issue for further discussion at the board's next meeting.

It was agreed by all board members to continue deliberations of pending matters at the next meeting, December 7, 2021.

New Business: None

Adjournment:

- The Chair's motion to adjourn at 7:08 pm was unanimously approved.

Next Scheduled Meeting: December 7, 2021; 6:30pm
Via Video Conference