

ERIE COUNTY BOARD OF ETHICS

95 Franklin St. 6th Floor Buffalo NY 14202,

Taunya Abaya, Chair

Annual Report on Activities for 2025

SC LOG APR 16 '25 7:20:08

The Erie County Board of Ethics is an independent administrative unit of Erie County. The Board's powers and duties are derived from the updated Code of Ethics County Law (2-2018) and New York State Municipal Law Article 18. Section 10 (d) of the Code provides that "the Board shall be the repository for completed annual statements of financial disclosure required by this local law." Erie County employees who are elected officials or in policy-making positions, or able to make County policy are required to complete an Annual Statement of Financial Disclosure for the County of Erie by May 15. Those who must file also include members of administrative boards, chairs of county political parties, and candidates for elective offices. The Board of Elections was again notified of this need.

The Erie County Board of Ethics was established and exists pursuant to the provisions of Article 19 of the Erie County Code, as amended. The Board is charged with enforcing and implementing the provisions of the Erie County Code of the Ethics, Local Law No. 2-2018 (hereafter 'Code') pursuant to operating procedures that govern the Board. The Board shall have the power and duty to:

- A. Initiate and receive complaints of violations of any of the provisions of the Code;
- B. Conduct investigations, inquiries and hearings concerning any matter covered by the Code;
- C. Subpoena persons or documents and, by a majority vote, issue subpoenas to the fullest extent authorized by law;
- D. Determine whether to investigate and whether to act upon any particular complaint;
- E. Request the assistance of other appropriate agencies in conducting investigations;
- F. Consult with County agencies, officials and employees on matters involving ethical conduct which are specific to the County of Erie Board of Ethics;
- G. Recommend such legislative action as it may deem appropriate to effectuate the policies within the Code;
- H. Promulgate rules and regulations for the conduct of Board of Ethics activities, including procedural rules consistent with the requirements of due process of law;
- I. Prescribe forms for the disclosure and registration of information as provided in the Code;
- J. Render advisory opinions with respect to the provisions of the Code;
- K. Advise any individual whose acts are the subject of a complaint to the board and consult with such individual early in the process;
- L. Accept and consider complaints of violations of the Code, and offer recommendations with respect to remedies for violation of that chapter; and
- M. Provide an annual report to the Erie County Legislature and the County Executive with respect to the actions of the Ethics Board during the preceding calendar year.

For 2025, the following served as members or staff of the Board:

Chris G. Trapp, Chair (Term 12/31/2025)

Taunya Abaya, Vice Chair (Term 12/31/2026)

Ellen Kennedy (Term 12/31/2028)

Anne Joynt (Term 12/31/2029)

John Flynn (Term 12/31/2027)

Aaron Rubin, Counsel, Department of Law

Barbara A. Piazza, Chief Ethics Officer, Department of Personnel

Executive Summary: The Erie County Board of Ethics provides an Annual Report of Activities to the Erie County Legislature and County Executive. The report identifies the legislative authority, powers and duties of the Board, membership and frequency of meetings.

The Board received complaints about alleged ethical violations, requests for disclosure under FOIL and requests for opinions or actions. These included requests to investigate the conduct of elected officials, the right of individuals to hold elective offices as well as being employed by the County, and some issues outside the jurisdiction of the Board.

The Board was also asked for and provided opinions on potential conflicts of interest of current or future employees. The Board answered questions concerning completion of the Annual Financial Disclosure Form. The Board also received and reviewed all Annual Financial Disclosure Forms. It contacted filers with incomplete forms and sought additional information to clarify initial submissions. The Board also sent follow-up letters to specific individuals identifying potential conflicts of interest.

The 2025 Financial Disclosure Forms (for calendar year 2025) included edits and explanations to clarify information requested and reduce errors and the need for follow-ups.

<http://www2.erie.gov/ethics/sites/www2.erie.gov.ethics/files/uploads/Financial-Disclosure-Form.pdf>

The Board met ten times during 2025. All meetings were posted with the Ethics Board Minutes as well on the Board's website. The following were significant issues dealt with by the Board during 2025:

1. Recommendations to the Legislature:

- a. **The Legislature amend the Code of Ethics to include issues of nepotism.** Model language is included from the 2014 City of Lockport Code of Ethics that added the following: *§ 18-15 Nepotism. Except as otherwise required by law: A. Effective *****, no municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board. Effective *****, no municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.* This request has been outstanding for years without resolution by the County.
- b. **At the time of appointment or election, elected officials, affected employees and board members should be notified of the requirement to file Annual Financial Disclosures with the Board for the year they are elected or appointed.**
- c. **The Legislature clarify which agency is required to notify candidates of the filing requirement.** The law requires that candidates for County offices are required to file timely Financial Disclosure with the Board of Ethics. The Board of Ethics is required to request a list of candidates for elected office from the Board of Elections. This Board has notified the Board of Elections with respect to this requirement.

2. **Communications:** The Erie County Board of Ethics website <http://www2.erie.gov/ethics/> and email erieethicsboard@gmail.com continued to be updated to improve public communication directly to and from the Board. The Chief Ethics Officer coordinates website updates, including meeting schedules, reports, agenda, minutes, updated Rules and Regulations and the current Financial Disclosure Form. When possible, drafts of monthly minutes are posted two weeks following meetings. Email requests are forwarded to the Chair who responds between meetings, when practicable.

- a. Website updated with 2025 meeting minutes, future meeting dates in 2026, draft agenda, Rules & Regulations, Financial Disclosure Forms, Ethics Awareness Day activities (in October), and materials including an on-line ethics educational program.
- b. Communications were received requesting advice on completion of the Disclosure Form. There were also complaints about alleged ethical violations, requests for copies of disclosures under FOIL and requests for opinions or actions.
- c. The Annual Report of Activities for 2024 was submitted in March 2025 to the Legislature and County Executive.
<http://www2.erie.gov/ethics/sites/www2.erie.gov/ethics/files/uploads/2016%20Annual%20Report%20Board%20of%20Ethics%20PDF.pdf>.
- d. FOIL requests for Financial Disclosure Forms were received and answered. Requests were primarily disclosures of elected officials and candidates for elective offices. All those whose Financial Disclosures were released under FOIL are required to receive notice when their information is disclosed. Fees needed for production of copies are required prior to being delivered. No fees were waived for production of copies.
- e. As is the practice of the Board, financial disclosure forms were forwarded to individuals for completion on or about April 15, 2025.
- f. If a FOIL request is made in the future, the Board will identify the person making the request and what documents are being requested. We will also send a copy of the Board's response to the subject of the FOIL request. If the request is for a history of complaints, both the cover letter and the information request will include the disclaimer that a complaint is not evidence of an ethics violation. We will redact phone numbers from any documents provided. Our minutes will identify the complainant and the subject of the complaint.

3. Activities/Accomplishments:

- a. A question arose regarding the potential conflict of interest with the awarding of grants through the Erie County Sheriff's Office. It was determined that no violation occurred.
- b. A conflict-of-interest issue was raised with respect to the transfer of property between the County and the Town of Amherst. The Board determined that with respect to two of the three individuals, no conflict existed. With respect to the third individual, at the time of the close of the calendar year, the investigation remained open.
- c. A question arose regarding the Erie County Corrections Specialist Advisory Board which remained unresolved by the Ethics Board pending further information from the ECCSA.
- d. An issue arose with respect to comments posted on a personal social media account with respect to the assassination of Charles Kirk. The matter was referred to the Department of Personnel.
- e. A complaint was made with respect to the provision of shelter to migrants in area hotels which was determined to be outside the scope of the Board.
- f. There was a request about the appropriateness to attend a political fundraiser that resulted in the individual being advised that it was proper, but only on his own time.
- g. The Financial Disclosure schedule was reviewed and set.
- h. Some complaints and requests for investigations were outside the authority of the Board of Ethics. All complainants were given information on other venues available to pursue their complaints.
- i. A request was made to review the definition of spouse and relative with respect to the Code.
- j. The Board provides continued advice to county department on various issues.
- k. **The Chief Executive Officer:**

1. presented a brief overview of the Erie County Code of Ethics and the role of the Board of Ethics at bimonthly (or monthly depending on demand) new employee orientation training.
 2. continued the online ethics education program for Erie County employees which is posted on the Erie County Board of Ethics website and will be included in a series of online training sessions that employees will be required to complete annually.
 3. organized and operated a well-received Global Ethics Awareness Day, held in October, at the Erie County Central Public Library which:
 - a. will be held yearly
 - b. provided an opportunity for employees to:
 - i. attend an Ethics Re-Envisioned Presentation
 - ii. review books which addressed personal and professional ethics, including the Erie County Code of Ethics
 - iii. lists of fiction and non-fiction books and movies with ethical themes, on the Board of Ethics website.
 4. presented a brief overview of the Board of Ethics training initiative to Erie County Sewer Districts 1, 2, 4, 6, and 8, the Village Officials Association, Association of Erie County Governments, Erie County Legislature, and the Association of Town Supervisors.
 5. Attended the NYSAC conference focusing on best practices.
 6. Established initiatives to expand awareness of the Code of Ethics by the Board in 2026.
- 4. Financial Disclosures:** Letters were sent to department heads in February 2025 requesting lists of employees and board members required to file 2025 Financial Disclosures.
- a. updates to the 2024 Financial Disclosure Form were made to the form for purposes of clarification, protection of the identity of children, and to reduce errors.
 - b. Departments and Boards submitted lists of those required to file disclosures for 2025.
 - c. Consistent with the Rules and Regulations established by the Board of Ethics, the Financial Disclosure form was amended with redaction in section 2. of a requirement to list the names and ages of children and the additional of a definition of spouse and domestic partner as follows: **SPOUSE AND DOMESTIC PARTNER Spouse is herein defined as an individual lawfully married to another individual. Domestic partner is herein defined as a person who is formally a party in a domestic relationship or similar relationship with the officer or employee, or of the other person with any registry mandated by the employer of either party or any state, municipality or foreign jurisdiction; or is formally recognized as a domestic partner, beneficiary or covered person under the other person's employment benefits for health insurance; or is dependent or mutually interdependent on the other person for support as evidenced by the totality of the circumstances indicating a mutual intent to be domestic partners including but not limited to: common ownership or joint leasing of real or personal property; common householding, shared income or shared expenses; children in common; signs of intent to marry or formally become domestic partners as described above** Financial Disclosure Forms were printed and distributed by mail or email in April 2025, as required by law.
 - d. All of the required financial disclosures were received after sending delinquent letters to three filers, which sought receipt of their Financial Disclosures. All penalties were waived after timely submissions.
 - e. The Board reviewed all 310 of the individual disclosure forms for completeness and possible ethical violations.
 - f. A few disclosures required follow-up contacts by Chair or the Support Staff, as authorized by the Board. Follow-up communications were routinely required in instance of missed questions, missed pages, unclear abbreviations, or unclear descriptions of membership on Boards. The Chair sent two letters cautioning against potential conflicts of interest. These

two letters to elected officials or Board members cautioned them about avoiding conflicts of interest and informing them about any necessary recusals, and requirements to report these potential conflicts to the Clerk of Legislature and the County Attorney. (The Board utilizes templates to request additional information, to warn of potential conflicts of interest, or to notify individuals that they had violated county law by accepting gifts in excess of allowable amounts. Copies are also sent to the department heads and the District Attorney, when appropriate.)

- g. After all reviews, the Board noted ways to reduce errors and increase accuracy and made recommendations for improvement to the Financial Disclosure Form for the following year.
- h. The Financial Disclosure Form is in a pre-fillable format on the website.
<http://www2.erie.gov/ethics/sites/www2.erie.gov.ethics/files/uploads/Financial-Disclosure-Form.pdf>

5. Erie County Board of Ethics Rules & Regulations

- a. The Board maintained the policy on confidentiality of identities of complainants, subjects of complaints and results of investigations as effected by public information (i.e., news). Where parties to a complaint or request for investigation have disclosed their role in the matter in public (i.e. public meetings or in public media) the Board may also chose to disclose the names and issues at Board meetings.

“Section 6.13 Policy of Confidentiality

Investigations and consideration by the Board of potential violations of the Ethics Code shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation shall be made available to the public with such deletions as may be necessary to prevent disclosures of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, as amended.” Ethics Board Policy and Procedures.

6. Other Issues:

- a. Since 2019 the Erie County Personnel Department requires completion of an Annual Erie County Code of Ethics Employee Disclosure Forms for all employees. The Personnel Department sends employees this financial disclosure for those not required to file the Annual Form from the Board of Ethics. This has created some confusion. Although this is not within the purview of the Board, the Board of Ethics continues to recommend that these completed disclosure forms be reviewed by Departments before filing in personnel folders.

