

Town of Amherst, NY  
Tuesday, November 22, 2011

## Chapter 19. ETHICS, CODE OF

**[HISTORY: Adopted by the Town Board of the Town of Amherst 7-2-1990 as L.L. No. 3-1990. Editor's Note: This local law also repealed former Ch. 19, Ethics, Code of, adopted 6-22-1970, published 7-1-1970, posted 7-1-1970, effective 7-11-1970 Amendments noted where applicable.]**

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### GENERAL REFERENCES

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Administration of government — See Ch. 4.

#### § 19-1. Title.

This chapter may be cited as the "Town of Amherst Code of Ethics."

#### § 19-2. Statutory authority; intent.

This code is enacted pursuant to Article 18 of the General Municipal Law and in recognition of the policy of the State of New York and the Town of Amherst to maintain the highest standards of integrity and public service. It is intended to afford town officers and employees guidance in conforming to ethical standards, to promote public confidence in the integrity of town government, to require public disclosure of financial interests that may influence or be perceived as influencing actions of town officers and employees, to minimize unwarranted suspicion and to provide for fair and effective administration of this code. This code shall be in addition to all of the restrictions, standards and provisions pertaining to the conduct of town officers and employees.

#### § 19-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### AGENCY

Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau or committee of the Town of Amherst; and shall include but not be limited to the Zoning Board of Appeals, Planning Board, Plumbing Board, Traffic and Safety Committee, Joint Park Board, Recreation Commission, Library Board of Trustees, Museum Board of Trustees, Ethics Board, Government Study Committee, Conservation Council, Youth Board, Assessment Review Board, Senior Citizens Advisory Board, Records Management Board,

A husband or wife from whom the town officer or employee is not legally separated.

**TOWN**

The Town of Amherst, and includes all agencies thereof and officers, employees and officials thereof.

**TOWN CLERK**

The Clerk of the Town of Amherst.

**TOWN OFFICER OR EMPLOYEE**

Any officer or employee of the Town of Amherst, whether paid or unpaid, including public officials and all other members of any agency in the Town of Amherst, but does not include the Town Justices, officers or employees of the Unified Court System. Volunteer firemen and civil defense volunteers shall not be deemed to be "town officers or employees."

**TOWN OFFICIAL**

Any town officer or employee who has the authority, either alone or as a member of an agency, to perform discretionary acts on behalf of the town with respect to any business dealing. "Town official" shall not include Town Justice and any town officer or employee who performs only ministerial acts and duties.

**§ 19-4. General regulations.**

A. No town officer or employee shall:

- (1) Act as attorney, agent, broker, employee, consultant or representative for any person in connection with any business dealing that person has with the town.
- (2) Directly or indirectly, solicit any gift or accept or receive any gift or series of gifts having an annual value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.
- (3) Take or refrain from taking any action or agree to take or refrain from taking any action or induce or attempt to induce any other town officer or employee to take or refrain from taking any action on any matter before the town in order to obtain a pecuniary or material benefit for:
  - (a) Himself or herself;
  - (b) A family member;

- (c) Any partnership or unincorporated association of which the town officer or employee is a member or employee or in which he or she has a proprietary interest;
  - (d) Any corporation of which the town officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock;
  - (e) Any person with whom the town officer or employee or his or her family member has an employment, professional, business or financial relationship; or
  - (f) Any person from whom the town officer or employee or his or her spouse has received within any twelve month period during the previous 24 months a pecuniary or material benefit having an aggregate value greater than \$1,000, unless said individuals make up less than 5% of a class of individuals benefited.
- (4) Appear before the agency served by or which employs such town officer or employee except on behalf of the town or on his or her own behalf.
  - (5) Appear before the town except on behalf of the town or on his or her own behalf. This subsection shall only apply to officers and employees who are elected or who are paid by the town.
  - (6) Appear as attorney or counsel against the interests of the town in any matter in which the town is a party or a complainant.
  - (7) Solicit any nonelected officer or employee of the town to participate in an election campaign. This subsection shall not prohibit an elected officer from soliciting such participation from officers and employees who are appointed by and directly subordinate to such elected officer and who serve in positions which are in the exempt classification or the unclassified service under the Civil Service Law.
  - (8) Directly or through a person, campaign committee or other organization authorized to act on his or her behalf solicit any nonelected officer or employee of the town to pay or promise to pay any assessment, subscription or contribution to a political party, political party organization or election campaign. This subsection shall not prohibit a general solicitation of a class of persons.
  - (9) Directly or through a person or campaign committee or other organization authorized to act on his or her behalf, solicit participation in an election campaign or payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization or election campaign from any person who, to the knowledge of the municipal officer or employee, has or, within the previous 12 months, has had any business dealing with the municipality.

This subsection shall not prohibit a general solicitation of a class of persons.

- (10) Except where such disclosure is authorized by law, disclose any confidential information acquired in the course of his or her official duties or use any such information to advance the financial or other private interest of himself or herself or any other person.
- (11) After termination of his or her term of office or employment with the town, appear before the town or receive compensation for any services rendered on behalf of any person other than the town in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the town.
- B. No partnership or unincorporated association of which a town official is a member or employee or in which he or she has a proprietary interest nor any corporation of which he or she is an officer or director or legally or beneficially owns or controls more than 5% of the outstanding stock shall appear before the agency served by such town official on behalf of any person other than the town or itself.
- C. No partnership or unincorporated association of which a town official who is elected or paid by the town is a member or employee or in which he or she has a proprietary interest nor any corporation of which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock shall appear before the town on behalf of any person other than the town or itself.
- D. Nothing in this section shall be construed to prohibit a town officer or employee or any other person from receiving a municipal service or benefit or using a municipal facility which is generally available to residents or a class of residents in the town.
- E. Nothing in this section shall be construed to prohibit any town officer or employee listed in § 11 of the Domestic Relations Law from accepting any gift or benefit having a value of \$75 or less for the solemnization of a marriage by that town officer or employee at a place other than the town officer's or employee's normal place of business or at a time other than the officer's or employee's normal hours of business and except as may be otherwise restricted by law.
- F. Nothing in this section shall be construed to prohibit a town officer or employee from performing any ministerial act.
- G. A person who knowingly violates any provision of this section may, in addition to any penalty contained in any other provisions of law, be dismissed, suspended or removed from office or employment in the manner provided by law.

**§ 19-5. Transactional disclosure and recusal; definitions.**

- A. Whenever a town officer or employee is requested or required to take any action on a matter before the town and, to his or her knowledge, either the performance or nonperformance of that action would provide a pecuniary or material benefit to himself or herself or to any related person different from that which would be derived from the action by reason of its general application to a broad class of persons deriving such benefit, the town officer or employee shall not participate in that matter unless the officer's or employee's recusal prohibits town action, then said officer or employee shall participate after full disclosure and reference to the particular legislation otherwise prohibiting town action. The town officer or employee also shall file promptly with his or her immediate superior, if any, and with the Town Clerk a signed statement disclosing the nature and extent of that interest.
- B. For purposes of this section, the following terms shall have the meanings indicated:

**RELATED PERSON**

- (1) A family member.
- (2) Any corporation of which the municipal officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock.
- (3) Any person with whom the municipal officer or employee or his or her family member has an employment, business or financial relationship.
- (4) Any person from whom the municipal officer or employee or his or her spouse has received within any twelve-month period during the previous 24 months a pecuniary or material benefit having an aggregate value greater than \$1,000.
- C. Nothing in this section shall be construed to prohibit a town officer or employee from performing any ministerial act or to require a town officer or employee to file a disclosure statement pursuant to Subsection A of this section prior to performing any ministerial act. The award of a contract by an officer or employee pursuant to the public bidding requirements of § 103 of the General Municipal Law shall be deemed a ministerial act.

**§ 19-6. Disclosure statement.**

- A. All town officials who are elected, appointed, paid or unpaid, including but not limited to members of the Zoning Board of Appeals, Planning Board, Plumbing Board, Youth Board, Traffic and Safety Committee, Joint Park Board, Government Study Committee, Conservation Council, Senior Citizens Advisory Board, Records Management Board, Recreation Commission, Assessment Review Board, Library Board of Trustees, Museum Board of Trustees, the Town of Amherst Industrial Development Agency and the

Board of Ethics, shall file with the Town Clerk, who for the purpose of this section shall also be deemed the Secretary of the Board of Ethics as hereinafter set forth, a signed, annual disclosure statement within 120 days of the effective date of this chapter, within 30 days of taking office and no later than April 30 of each year thereafter. Within 30 days of any change in the information contained in his or her most recently filed statement, the public official shall file a signed amendment to the statement indicating the change.

B. Information to be disclosed by all elected, paid or appointed town officials shall be in the following form:

[Amended 10-21-1991 by L.L. No. 4-1991; 8-3-1992 by L.L. No. 11-1992; 6-7-1993 by L.L. No. 5-1993; 2-5-1996 by L.L. No. 1-1996]

Annual Statement of Financial Disclosure

Town of Amherst

For Calendar Year \_\_\_\_\_

- (1) Name:  
Address:  
If married, spouse's name:
- (2) (a) Title of town position:  
(b) Department, agency or other governmental entity:
- (3) Do you receive any benefits, compensation or other consideration that are derived directly or indirectly from your employment or association with the Town of Amherst, other than your remuneration from the town?

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES please describe the nature, source of and amount such benefits, compensation or other consideration.

<b>Nature</b>	<b>Source</b>	<b>Amount</b>
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- (4) List the address and SBL of all real property in which you, your spouse or other family member of your household has an ownership or other financial interest.

<b>Name of Owner</b>	<b>Address</b>
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- (5) List the name and address of any partnership, unincorporated association, corporation, business or employer of any sort of which you or your spouse is a member, officer or employee or from which you or your spouse derive income of any nature, giving your position and/or your spouse's position, if any, with such entity.

**Self/Spouse      Position      Organization and Address**

- (6) List the name and address of any corporation, partnership, unincorporated association or business of which you or your spouse legally or beneficially owns or controls more than 5% of the issued and outstanding stock or other ownership rights.

**Self/Spouse      Organization and Address**

- (7) State any self-employment, and the general nature thereof, from which you or your spouse has derived gross income in excess of \$2,000 during the previous calendar year.

**Self/Spouse      General Nature**

- (8) If you are unable, after reasonable effort, to obtain any of the information required herein, so state and explain.

Signature of Reporting Individual

\_\_\_\_\_  
(month, day, year)

#### **§ 19-7. Civil penalty; penalties for offenses.**

[Amended 7-21-1997 by L.L. No. 6-1997]

##### **A. Statement of financial disclosure.**

- (1) A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure as provided herein or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this

chapter shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Town of Amherst Board of Ethics.

- (2) For a violation of this subsection, the Town of Amherst Board of Ethics may, in lieu of a civil penalty, refer a violation to the District Attorney and, upon such conviction but only after such referral, such violation shall be punishable as a misdemeanor.
  - (3) Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for failure to file or for false filing of such statement, except that the appointing authority may impose disciplinary actions as otherwise provided by law.
- B. For violations of the conflict of interest and transactional disclosure provisions of this chapter, the Town of Amherst Board of Ethics shall assess a civil penalty in an amount not to exceed \$10,000 or, in lieu thereof, issue a public censure or private admonition. In addition, the appointing authority may impose disciplinary action as otherwise provided by law.
- C. The Town of Amherst Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedures Act, but such mechanisms may not be identical in terms or scope.
- D. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Town of Amherst Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

#### **§ 19-8. Maintenance of disclosure statements.**

Transitional disclosure statements and annual disclosure statements shall be a matter of public record and shall be filed and indexed with the Town Clerk. The Town Clerk shall retain such disclosure statements for a period of not less than seven years from the date of filing.

#### **§ 19-9. List of officials; notice and verification of filing.**

- A. On or before the first day of April of each year the Town Supervisor, together with the Town Clerk, shall:
- (1) File with the Town Clerk a list of names and offices or positions of all officials required to file annual disclosures; and
  - (2) Notify all persons required to file annual disclosures.

- B. On or before the 15th day of May of each and every year, the Board of Ethics shall ascertain and verify that every required individual has filed the required disclosure statement.
- C. Failure of the Supervisor and the Town Clerk to notify any or all individuals required to file disclosure statements shall not relieve town officials of their duty to file the disclosure statements.

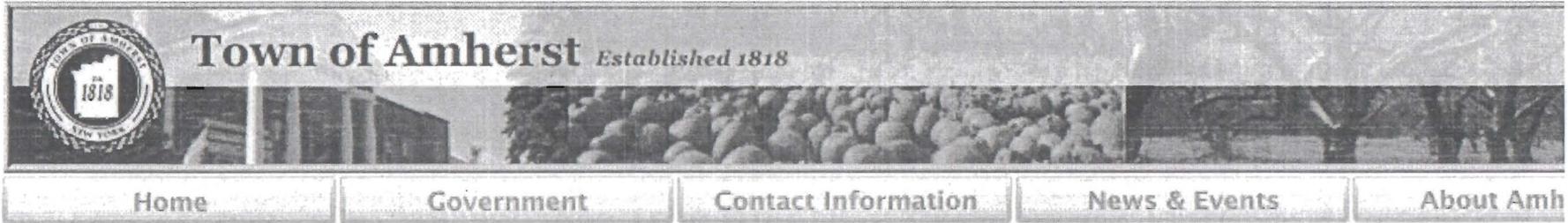
**§ 19-10. Board of Ethics.**

- A. A Board of Ethics is established and shall be known as the "Town of Amherst Board of Ethics."
- B. The Board of Ethics shall consist of five members who shall serve five-year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within 30 days after the establishment of the Board of Ethics or within 30 days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five-year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board during normal working hours.
- C. No more than two members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. For purposes of this section, "political party" shall mean any political party which appears on the ballot in the last biennial town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time.
- D. A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than five members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply.
- E. The Town Clerk shall be the Clerk of the Board of Ethics and all documents filed with the Town Clerk shall be deemed for the purposes of this chapter to be filings with the Board of Ethics.

F. The Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate.

**§ 19-11. Duty to report.**

Every town officer or employee shall report to the Erie County District Attorney or the Town Attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.



**Government**

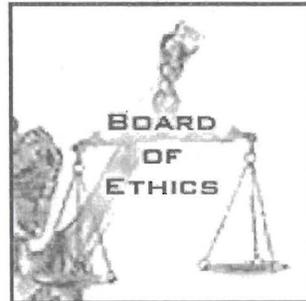
- [Administrative](#)
- [Boards & Committees](#)
- [Elected Officials](#)
- [Employee Directory](#)
- [Municipal Buildings](#)
- [Public Infrastructure](#)
- [Public Safety](#)
- [Public Services](#)
- [Entire Listing](#)

Municipal Building  
5583 Main Street  
Williamsville, NY 14221

General Information  
716.631.7000

**website questions?**

**Boards & Committees**



**Board or Committee Home**

**Agendas**

**Minutes**

**Additional Information**

**Current Members**

John R. Condren (C)

Michele Fried (M)

Thomas C. Ketchum (M)

Lee T. Nowak (M)

David P. Polino (M)

**Board of Ethics**

**Town Board Liaison**

**E. Thomas Jones, Town Attorney**

phone: 631.7030

email: [click to send an email](#)

**There are no scheduled meetings for the Board of Ethics at this time.**

**Monthly Meeting Calendar**

**Mission Statement or Purpose**

The Board of Ethics seeks to foster an environment where Town officers, Town employees, Town agencies and citizens work together in good faith, with integrity and honesty.

The Board of Ethics consists of five members appointed by the Supervisor, subject to confirmation by the Town Board. The Board of Ethics possesses the powers and duties prescribed by Article 18 of the General Municipal Law to render advisory opinions and assess civil penalties in accordance with Chapter 19 of the Town of Amherst Code (Code of Ethics).

**Current Vacancies:** 0

**Key**

- (C) Chairperson
  - (M) Member
  - (O) Resource Person
- 

The Board also has the authority to render opinions, upon a written request of any Town of Amherst officer or employee, with respect to questions or alleged violations of the Town Code of Ethics. The Board of Ethics is also responsible for the review of the annual financial disclosure forms filed each year by members of Town government, whether salaried or volunteer.

Confidential inquiries can be directed to:

Board of Ethics  
Town of Amherst  
c/o Town Clerk  
Amherst Municipal Building  
5583 Main Street  
Williamsville, NY 14221

or the Town of Amherst Attorney's Office at 631.7030.

When addressing inquiries to the Board of Ethics, please include your name and Town department. All inquiries will be kept confidential.

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**Town of Amherst, New York**  
**Board of Ethics**  
**Rules and Procedures for Adjudicatory Proceedings**

The following rules and procedures are adopted by the Town of Amherst Board of Ethics pursuant to Section 19-7 of the Town of Amherst Code of Ethics and are to be utilized in all adjudicatory proceedings.

**Hearing**

1. In an adjudicatory proceeding, all parties shall be afforded an opportunity for hearing within reasonable time.
2. All parties shall be given reasonable notice of such hearing, which notice shall include (a) a statement of the time, place, and nature of the hearing; (b) a statement of the legal authority and jurisdiction under which the hearing is to be held; (c) a reference to the particular sections of the statutes and rules involved, where possible; and (d) a short and plain statement of matters asserted.
3. All parties shall be afforded an opportunity to present written argument on issues of law and an opportunity to present evidence and such argument on issues of fact, provided however that nothing contained herein shall be construed to prohibit the Board of Ethics from allowing parties to present oral argument within a reasonable time. In fixing the time and place for hearings and oral argument, due regard shall be had for the convenience of the parties.
4. Unless precluded by statute, disposition may be made of any adjudicatory proceeding by stipulation, agreed settlement, consent order, default, or other informal method.

**Record**

1. The record in an adjudicatory proceeding shall include: (a) all notices, pleadings, motions, intermediate rulings; (b) evidence presented; (c) a statement of matters officially noticed except matters so obvious that a statement of them would serve no useful purpose; (d) questions, offers of proof, objections thereto, and rulings thereon; (e) proposed findings and exceptions if any; (f) any findings of fact, conclusions of law or other recommendations made by the presiding officer; and (g) any decision, determination, opinion, order or report rendered.
2. The Board of Ethics shall make a complete record of all adjudicatory proceedings conducted before it. For this purpose, unless otherwise required by statute, the Board of Ethics shall use whatever means it deems appropriate, including but not limited to the use of stenographic transcriptions or electronic recording devices. Upon request made by any party upon receipt of notice of Ethics within a reasonable time, but prior to the time for commencement of judgment of its giving notice of its decision, determination, opinion or order, the Board of Ethics shall prepare the record together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party.

request. Except when any statute provides otherwise, the Board of Ethics is authorized to charge not more than its cost for the preparation and furnishing of such record or transcript or any part thereof, or the rate specified in the contract between the Board of Ethics and a contractor if prepared by a private contractor.

3. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

### **Presiding Officers**

Except as otherwise provided by statute, the Board of Ethics or one or more of its members shall be presiding officers. Hearings shall be conducted in an impartial manner. Upon the filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Board of Ethics shall determine the matter as part of the record in the case, and its determination shall be a matter subject to judicial review at the conclusion of the adjudicatory proceeding. Whenever a presiding officer is disqualified or it becomes impractical for him or her to continue the hearing, another presiding officer may be assigned to continue with the case unless it is shown that substantial prejudice to the party will result therefrom.

### **Powers of Presiding Officers**

Except as otherwise provided by statute, presiding officers are authorized to:

1. Administer oaths and affirmations.
2. Sign and issue subpoenas in the name of the Board of Ethics, at the request of any party, requiring attendance and giving of testimony between witnesses and the production of books, papers, documents and other evidence and said subpoenas shall be regulated by the civil practice law and rules. Nothing herein contained shall affect the authority of an attorney for the party to issue such subpoenas under the provisions of the civil practice law and rules.
3. Provide for the taking of testimony by deposition.
4. Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.
5. Direct the parties to appear and confer to consider the simplification of the issues by consent of the parties.

### **Evidence**

1. No decision, determination or order shall be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and as supported by and in accordance with substantial evidence. Unless otherwise provided by any statute, the Board of Ethics need not observe the rules of evidence observed by courts, but shall govern according to the rules of privilege recognized by law. Objections to evidentiary offers may be n

shall be noted in the record. Subject to these requirements, the Board of Ethics may, for the purpose of expediting hearings, and when the interests of parties will not be substantially prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

2. All evidence, including records and documents in the possession of the Board of Ethics of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.
3. A party shall have the right of cross-examination.
4. Official notice may be taken of all facts of which judicial notice could be taken and of other facts within the specialized knowledge of the Board of Ethics. When official notice is taken of a material fact not appearing in the evidence in the record and of which judicial notice could not be taken, every party shall be given notice thereof and shall on timely request be afforded an opportunity prior to decision to dispute the fact or its materiality.

#### **Decisions, Determinations and Orders**

1. A final decision, determination or order adverse to a party in an adjudicatory proceeding shall be in writing or stated in the record and shall include findings of fact and conclusions of law or reasons for the decision, determination or order. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with Board of Ethics rules, a party submitted proposed findings of fact, the decision, determination or order shall include a ruling upon each proposed finding. A copy of the decision, determination or order shall be delivered or mailed forthwith to each party and to his attorney of record.
2. Unless required for the disposition of ex parte matters authorized by law, members of the Board of Ethics assigned to render a decision or to make findings of fact and conclusions of law in an adjudicatory proceeding shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. Any such Board of Ethics member (a) may communicate with other members of the Board, and (b) may have the aid and advice of Board of Ethics staff other than staff which has been or is engaged in the investigative or prosecuting functions in connection with the case under consideration or factually related case.
3. (a) The Board of Ethics shall maintain an index by name and subject of all written final decisions, determinations and orders rendered by the Board of Ethics in adjudicatory proceedings. For purposes of this subdivision, such index shall also include by name and subject all written final decisions, determinations and orders rendered by the Board of Ethics pursuant to a statute providing any party an opportunity to be heard, other than a rule making. Such index and the text of any such written final decision, determination or order shall be available for public inspection and copying. Each decision, determination and order shall be

indexed within sixty days after having been rendered.

(b) The Board of Ethics may delete from any such index, decision, determination or order any information that, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the public officers law and may also delete at the request of any person all references to trade secrets that, if disclosed, would cause substantial injury to the competitive position of such person. Information which would reveal confidential material protected by federal or state statute, shall be deleted from any such index, decision, determination or order.

Adopted: September 23, 2008

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