

Orange



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December 15, 2011

Re: Town of Deerpark Board of Ethic Members

David Hoovler, Councilman david.hoovler@gmail.com

Fred Witt Chairman witt501@aol.com

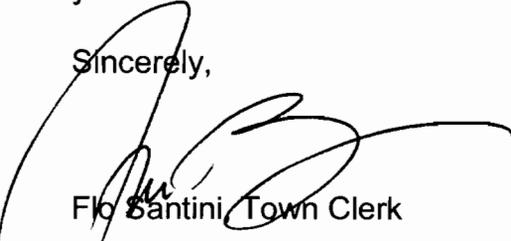
Julie Witherow juleswitherow@aol.com

William Onofry wonofry@hvc.rr.com

Ann Keller AKELLER4@hvc.rr.com

If you need their address and or phone numbers, please let me know and I will get them to you.

Sincerely,


Flo Santini, Town Clerk

Cc: Ethics Code of the Town of Deerpark

Mission Statement

The mission of the Town of Deerpark Ethics Board is:

- To foster an environment where town officers, town employees, members of decision-making boards, professional consultants, agencies and citizens work together in good faith, with integrity, honesty and mutual respect, toward the common goal of enhancing the quality of life in our community;
- To work in partnership with town officers, town employees, members of decision-making boards, professional consultants, agencies and citizens to develop a common purpose and direction for the greater good of all;
- To inform and advise town officers, town employees, members of decision-making boards, professional consultants, agencies and citizens with respect to the Ethics Code of the Town of Deerpark.

Ethics Code of the Town of Deerpark

GENERAL REFERENCES

§ 1. Title.

This code shall be known as the "Ethics Code of the Town of Deerpark" and shall be hereinafter referred to as "the code."

§ 2. Findings.

A. The Deerpark Town Board does hereby find that the public confidence and trust in local government depends on the integrity, impartiality and commitment to ethics of public officials and public employees.

B. The reputation and efficiency of, and public confidence and faith in, municipal government suffer whenever the public trust is violated by an official or employee who commits an act of misconduct, attempts to realize personal financial gain or does not avoid conflicts of interest or the appearances of impropriety.

C. There is a need to ensure that the citizens of the Town of Deerpark have complete confidence in their local government officials, professionals and employees.

D. It is essential that there exists legislation to ensure that the highest standards of conduct in municipal government will be enforced regardless of any change in the Town Board.

E. The Deerpark Town Board determines that every public official and public employee should:

(1) Put loyalty to the Town and to the highest moral principles above all private interests.

(2) Uphold the United States and New York Constitutions, all laws, statutes and regulations of the United States and all governments therein and all ordinances and regulations of the Town of Deerpark and neither condone nor be a party to their evasion.

(3) Give a full day's work for a full day's pay.

(4) Avoid conflicts of interest and strive to avoid the appearance of conflicts of interest, not only being above reproach but appearing above approach.

(5) Never use for personal benefit confidential information obtained in the course of one's duties.

(6) Never give special favor or special privilege to anyone in return for any personal benefit.

(7) Never accept favors, gifts or benefits for oneself or a member of one's family except in situations specified in this code.

(8) Make no use of municipal employment or resources for private gain or political benefit for any individual or entity or for other than official government purposes.

(9) Attempt to remedy or eliminate public corruption, waste and inefficiency wherever and whenever discovered.

(10) Demonstrate the highest standards of personal integrity, truthfulness and fortitude in all public activities.

(11) Strive for personal professional excellence and encourage the professional development of all public officials and public employees.

(12) Exercise whatever discretionary authority held to promote the public interest.

(13) Serve the public with respect, concern, courtesy and responsiveness and administer the public's business with professional competence, fairness, impartiality, efficiency and effectiveness, recognizing that service to the public is beyond service to oneself.

(14) Uphold these ethical principles, ever aware that public service and public employment are public trusts.

F. It is the duty of the Deerpark Town Board to earn and maintain for the government of the Town of Deerpark a reputation for honesty and integrity in government. In the event of any ambiguity in the construction of this code, such shall be resolved in favor of the public interest as opposed to the convenience or inconvenience of a public official or employee.

§ 3. Intent.

It is the policy of the Town of Deerpark and purpose of this chapter to establish standards and guidelines for ethical conduct of officials and employees. Though assurance of good conduct will rest primarily upon personal integrity and community vigilance, these provisions of standards are designed to establish parameters within which the public may have confidence that decisions of local government are arrived at with impartiality and free of conflicts of interest. It is the purpose of this chapter to protect officials and employees from unwarranted attacks upon their integrity while raising public confidence by defining courses of conduct contrary to the public interest and thereby separating real from inconsequential conflict recognizing that local government attracting and retaining competent persons in the public service should not require divestiture of only those proprietary interests which would appear to bear upon independence of judgment and/or the appearance of bias.

§ 4. Definitions and word usage.

The following words and phrases, when used in this code, shall have, unless the context clearly states otherwise, the meanings given to them in this section:

ABUSE OF AUTHORITY

An arbitrary or capricious exercise of power of an official or employee that adversely affects the rights of any person or that results in personal gain or advantage to himself or herself or to preferred other persons.

APPOINTED OFFICIAL

A. An individual holding an office named in the statutes of the State of New York, or Town code or in any other ordinance of this Town, to which he is named by the Town Board or any elected officer of the Town whether that individual serves full-time or part-time, whether or not he receives compensation from the Town for his/her services and whether or not h/she holds a single-named office or is one of several individuals serving on a board, commission or authority.

B. An individual employed by the Town on a full-time or part-time basis, exercising supervisory authority over any other municipal employee and/or performing nonministerial action in connection with municipal affairs.

BUSINESS

Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or any legal entity organized for profit.

BUSINESS DEALING WITH THE TOWN

Any contract, service, work or business with, any sale, renting or other disposition to, any purchase, leasing or other acquisition from and any grant, license, permit or other privilege from the Town or any municipal board or commission and any performance of or litigation with respect to any of the foregoing.

BUSINESS WITH WHICH HE OR SHE IS ASSOCIATED

Any business in which the person or a member of the person's family is a director, officer, owner, employee or holder of stock or percentage ownership exceeding 5% of the equity at fair market value of the business or more than 5% of the assets of the economic interests in indebtedness.

CANDIDATE or CANDIDATES

Any individual, individuals or slate of individuals seeking any office which is filled by the vote of the electorate, or by vote of the Town Board.

COMPENSATION

Any thing of economic value, however designated, which is paid, granted, given, donated or transferred or to be paid, loaned, granted, given, donated or transferred for personal services to any person, official or employee of the Town.

CONFLICT OF INTEREST

Any situation in which a public official or public employee is in a position where his or her vote, actions, inactions, or decision can result in a financial benefit to himself or herself or a member of his or her immediate family other than those benefits which may accrue to the public generally.

ETHICS BOARD

A duly appointed and qualified Ethics Board of the Town of Deerpark, comprised of five individuals who are not regular employees or elected officials of the Town and who shall possess qualifications necessary for carrying out their duties as members of the Ethics Board and who shall be retained by the Town to conduct investigations, swear witnesses, take testimony and make appropriate determinations as to whether or not violations of this chapter have been made.

ELECTED OFFICE

The office of Supervisor, Town Clerk, Highway Superintendent, Receiver of Taxes and members of the Town Board.

FAMILY MEMBER

Any spouse, child, grandchild, parent, grandparent, sibling, in-law, aunt, uncle, niece, nephew, ex-spouse, stepparent, stepchild, half brother, half sister or the spouse of any such relative or person.

GIFT

A. Anything which is received without consideration of equal or greater value. "Gift" shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business. "Gift" shall include, but not be limited to, any payment, favor, gratuity, thing of value, service or services, promise, discount, admission, performance of any act or series of acts, entertainment, reward, loan which is not commercially reasonable and made in the ordinary course of business or promise of any of the preceding.

B. "Gift" shall not include:

- (1) A political contribution reported as permitted by law;
- (2) A commercially reasonable loan made in the ordinary course of business; or
- (3) A gift received from a relative.

INCOME

Any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.

PERSON

Any individual, union, association, committee, club or other organization or group of persons.

PUBLIC EMPLOYEE

Any individual employed by the Town of Deerpark, with the exception of public officials.

PUBLIC OFFICE

Any elected or appointed office or position of the Town of Deerpark.

PUBLIC OFFICIAL

Any elected or appointed official of the Town of Deerpark.

RELATIVE

A member of an individual's immediate family and also that individual's father, mother, grandfather, grandmother, son, daughter or sibling, whether by blood, adoption or marriage, the latter including, for example, stepparents, stepchildren, half brothers and half sisters.

TOWN

The Town of Deerpark.

§ 5. Standards of conduct (conflicts of interest; restricted activities).

A. No public official or public employee shall disclose or use for his or her own benefit or the benefit of others confidential information which he or she has acquired by reason of his or her public position.

B. No public official or public employee shall receive any benefit from or participate in the selection, award or administration of or vote or participate in the legislative discussion on any contract to which the Town is a party or participate in the selection, award or administration of a contract supported by public funds if a conflict of interest would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

- (1) The public official or public employee.
- (2) Any member of his or her family.
- (3) Any person with whom he or she has a business or other financial relationship.
- (4) An organization which employs any of the above.

C. No public official or public employee shall be or become interested directly or indirectly in any manner whatsoever, except by operation of law or in the course of his or her employment by the Town, in any business dealing with the Town of Deerpark or before on behalf of any of the boards or offices of the Town.

D. No public official or public employee shall act as agent, broker, employee or consultant for any person, firm, corporation or other entity interested directly or indirectly in any manner whatsoever in any business dealings with the Town of Deerpark.

E. No public official or public employee shall engage in any business transaction or private employment or shall have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

F. No public official or public employee shall use or attempt to use his position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for himself or herself or any person, firm, or corporation or other entity with which he or she is associated. He or she shall be deemed "associated" with each person who is a member of his or her family, with each person with whom he or she has a business or other financial relationship and with each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.

G. No public official or public employee shall attempt to influence the course of any proposed legislation affecting any private or financial interest not readily apparent of himself or herself, of any of his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.

H. Disclosure of interest.

(1) Every public official and public employee shall publicly disclose any direct or indirect financial or other private interest in any proposed legislation of himself or herself, of any of his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect. A subcontract of a contract with the Town shall be deemed a "direct or indirect financial interest."

(2) Within 30 days of assuming any office, decision_making or consultative position covered by this Code, each person shall advise the Town Clerk, using a form appended hereto as Attachment A. [Attachment A is included at the end of this chapter. of his/her land holdings in the Town of Deerpark other than property used as the family residence, as well as the employment relationships s/he has had within the last five years. S/he shall also disclose any investments which she has in land or business concerns located or doing business in the Town of Deerpark. The Town Clerk shall maintain the completed disclosure forms on file during each person's tenure with the Town of Deerpark and for five years thereafter. This provision shall apply to persons currently serving in positions covered by this Code, provided that employees not serving as department heads and decision-makers shall not have to complete the disclosure form.]

I. No public official or public employee shall become financially interested, subsequent to final action, in any legislation, including ordinances and resolutions, awards, contracts, leases, cases, claims, decisions, decrees or judgments made by him or her in his or her official capacity, during his or her term of office or employment and until two years have elapsed since the expiration of employment or service. This prohibition shall apply so as to prevent a family member or any person, firm, partnership, corporation, business association, trustee or straw party from becoming financially interested for or on behalf of a public official or public employee within said two-year period.

J. This section shall not be construed to prohibit any public official or public employee from:

(1) Accepting or receiving any benefit which is provided for or made available to citizens or residents or classes of citizens or residents.

(2) Being affiliated with, by an investment not exceeding 5% of the equity at fair market value or more than 5% of the assets of the economic interest in indebtedness, employed by or representing a person, firm or corporation or other entity whose business dealings with the Town or any municipal board or commission form an insubstantial part of its total business, provided that he or she has no direct or indirect interest in such business dealings and receives no part of the benefit thereof, takes no part in such business dealings and receives no compensation in connection therewith.

K. Nothing in this section shall apply to the affiliation of any public official or public employee with any nonprofit or community service organization.

L. No public official or public employee shall grant, offer or provide any privilege to any person, persons, business or other entity beyond that which is available to every other person, business or other entity, with the exception of any legally determined affirmative action plan or municipally authorized program.

M. No public official or public employee shall in any manner receive benefit from the profits of any work or service for the Town, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm, corporation or other entity having dealings with the Town. Privileges granted by the Town to public officials are exempted from the terms of this provision.

N. No public official or public employee shall solicit or receive any compensation, gratuity or other thing of value for any act done in the course of public work other than his normal wage or salary paid by the Town and set as a condition of employment or as provided for in law.

O. No public official or public employee shall use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.

P. No public official or public employee shall request or permit the use of or use any municipal motor vehicle, equipment, material or property except in the conduct of official municipal business or as provided in the terms of his or her employment.

Q. No public official or public employee or consultant nor any agency sponsored by the Town shall:

(1) Discriminate or cause to be created involuntary segregation, directly or indirectly, on the basis of creed, color, national origin, gender, sexual preference or disability or allow any of these factors to affect the recruitment, selection, placement, assignment, compensation, retention, status or promotion of any Town officer, employee, consultant or board member.

(2) Knowingly or by indifference permit in any manner the use of Town property, equipment or services by any person or persons, organizations or corporations which engage in discrimination on any of the bases set forth above. This subsection shall not apply to organizations which are restricted by age or gender, provided such restrictions have not been found to violate the Constitution of the United States or of the State of New York (including but not limited to senior citizen, golden age, boys and girls scouting organizations).

R. It shall be unlawful for any elected or appointed official, business associate or partner, or member of the officials firm, or for any employee to appear on behalf of a third party before any agency of the Town or to represent any private interest in an action or proceeding against the interests of the Town in any litigation to which the Town is a party. This section shall not prohibit such conduct on behalf of the employee or his or her immediate family, although the nature of the relationship shall be disclosed sufficiently in advance of the first appearance before the board or agency of the Town to permit appropriate action before the Board of Ethics should the Town or any other party deem such redress appropriate.

§ 6. Voting conflicts.

Where voting conflicts are not otherwise addressed by the Constitution of New York or by any law, rule, regulation, order or ordinance, the following procedure shall be employed:

A. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interests shall abstain from voting and, prior to the vote being taken, publicly announce and disclose

the nature of his interests as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken.

B. The provisions of this section shall not apply to cases where such officer is an employee of the person, firm or corporation involved in a municipal contract or municipal matter in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefitted thereby, either financially or in any other material matter.

§ 7. Gifts.

A. No public official or public employee or family member of a public official or public employee of the Town shall accept a gift, as defined in § 4 of this chapter:

- (1) From a person seeking to obtain a contract grant, employment or any financial relationship from the Town.
- (2) From a person or business having a financial relationship with the Town.
- (3) From a person or business whose operations or activities are regulated or inspected by the Town.
- (4) From a principal, agent and/or attorney in proceedings in which the Town is an adverse party.
- (5) From a person who has an interest that may be substantially affected by the performance or nonperformance of any public official's or public employee's official duties.

B. Exceptions. The prohibitions imposed by Subsection A shall not apply to the following:

- (1) Acceptance of a gift when circumstances make it clear that the motivation for the gift is due to family relationship, close personal relationship or traditional practices among close friends, such as exchange of birthday and holiday gifts.
- (2) Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, civic or similar organization.
- (3) Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance.
- (4) Acceptance of small tokens or favors given to everyone attending a function or celebrating an occasion.

(5) Acceptance of a legal political contribution made to and reported by a duly registered campaign committee. However, there shall not have been an understanding that the contribution was for the purpose of influencing a vote, action or judgment of the public official or public employee.

(6) Acceptance of unsolicited advertising or promotional material such as pens, calendars and other such items of nominal intrinsic value.

(7) Acceptance of food and refreshment of nominal value on in frequent occasions or the ordinary course of a luncheon, dinner party or meeting.

§ 8. Employment restrictions.

A. No public official or public employee shall engage in, solicit, negotiate for or promise to accept private employment or render his or her services for private interests or conduct a private business when this employment, service or business creates a conflict of interest or impairs the proper discharge of his or her duties.

B. Secondary employment may be undertaken only when not in conflict with the conditions of employment or regulations promulgated by the Town.

C. No person who has served as a public official or public employee, whether paid or unpaid, within a period of two years after termination of his or her employment or service, shall appear before any municipal board or commission, department or public official or employee on behalf of any person, firm, corporation or other entity or receive compensation or remuneration of funds for any services rendered on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application, business dealings or other matter with the Town and municipal board or commission, without full disclosure of the nature and length of the prior service/employment to the decision making person(s), body, or commission.

D. No officer or employee of the Town or its departments and agencies shall terminate or otherwise discipline any employee or subordinate for reporting alleged violations of these provisions to the Town Board or Ethics Board or other appropriate governmental body, nor shall such reporting serve as a basis for negatively evaluating the work performance of said subordinate or denying him/her any appropriate term or condition of employment, including promotion, raises or any other term or condition of employment generally available to a person of like qualifications. Once an employee has successfully completed his/her probationary period, she may not be suspended or dismissed without just cause.

E. The restrictions and requirements set forth above shall not only bind the public official or employee of the Town but members of the firm, partnership, corporation or company that the public official or public employee is associated with or employed by.

§ 9. Political activity.

A. No public official or public employee shall require any public employee to engage in any campaign activities related to the election of any candidate or candidates.

B. No public official or public employee shall use any public property, material or resources on behalf of any political party, political committee, candidate or candidates or use his or her official authority for the purpose of interfering with an election or affecting the results thereof, except the Town Hall or Senior Center upon consent of the Town Board. It is the intention that all political parties shall have equal access to Town property as approved by the Town Board.

C. No appointed official or public employee shall engage in any type of partisan political activity while at work or while the employee should be at work.

D. An appointed official or public employee who desires to undertake any partisan political activity restricted by this section may take a leave of absence from municipal employment without pay, thereby temporarily leaving the municipal payroll.

§ 10. Board of Ethics.

A. There is hereby created a Board of Ethics, which shall be charged with the administration of this Code of Ethics.

B. The Board of Ethics shall be composed of five resident electors, and at no time shall more than four members be of the same political party. The Town Board shall appoint all members to the Board of Ethics. Of the five members initially appointed one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. Thereafter, upon the expiration of the initial term of any member of the Board or in the event that a vacancy exists on said Board, the Town Board shall appoint a new member to fill the vacancy. All subsequent appointments to the Board shall be for terms of two years. In no event may any member of the Board serve on said Board for a period of more than five years in succession. Any member having served for five years in succession shall be ineligible for reappointment to the Board for a period of two years after he last served on the Board of Ethics. Each member shall serve until his successor has been appointed.

C. The Board shall adopt and promulgate reasonable rules and regulations for the administration of its proceedings. The rules and regulations so promulgated and all amendments thereto shall be made available at the office of the Town Clerk to any elector of the Town. The Town Board, by majority vote, must approve all rules and regulations adopted by the Ethics Board.

D. There is hereby delegated to the Ethics Board as defined herein the responsibility set forth in § 11 relating to enforcement procedures. If an allegation or complaint is filed with the Town Board, said Town Board shall send notice to the Ethics Board to conduct an investigation into the allegation or complaint, provided that in the event that said complaint shall involve in some manner the office of the Ethics Board, said matter shall be referred to the Town Attorney for investigation, all in accordance with the procedures outlined herein.

§ 11. Enforcement.

A. Any person who has knowledge of an alleged violation of this Code of Ethics committed by any person subject to the jurisdiction of this chapter may make a signed written report of the same to the Town Board. The fact that a report has been received, the contents of the report and the identity of the person making the report shall remain confidential until such time as the Town Board, after receipt of notice as provided herein, has referred the same to the Ethics Board for an initial threshold determination that probable cause exists to believe that a violation of the Code of Ethics has occurred. The Town Board's referral to the Ethics Board shall occur during executive session as a personnel matter.

B. Upon receipt of a report, the Ethics Board, without benefit of subpoenas or sworn testimony, shall make such preliminary investigation as it deems appropriate to determine whether probable cause exists to believe that a violation of the Code of Ethics has occurred. If the Ethics Board is satisfied that probable cause does exist, it may choose between two courses of action as follows:

(1) Refer the matter to the proper authorities for criminal prosecution, provided that upon a determination that the proof beyond a reasonable doubt necessary for criminal conviction is not available, the proper authorities may refer the matter back to the Ethics Board proceedings consistent with this chapter.

(2) Retain the matter for its own formal investigation with a view toward the ultimate disposition by the Ethics Board in the event that it is determined an actual violation has occurred.

C. If the Ethics Board should determine probable cause does not exist, it shall communicate its decision, in writing, to the person who made the initial report and the Town Board. The Ethics Board at any time upon advice of legal counsel in a matter where probable cause does not exist may summarily dispose of the matter and advise all parties. The Ethics Board's determination of lack of probable cause shall

remain confidential, unless the person who made the initial report chooses to make his or her complaint public. Should this later event occur, all of the Ethics Board's records, files, notes, correspondence and investigative materials relating to the finding of lack of probable cause shall be made open for public inspection.

D. Should the Ethics Board decide to retain the matter for its own formal investigation pursuant to Subsection B (2) above, the Ethics Board shall notify, in writing, the person who made the report and the person complained against of its decision to pursue a formal investigation by way of holding a hearing to determine if a violation has occurred. The person complained against may choose whether the hearing shall be open or closed to the public.

E. Hearings conducted by the Ethics Board.

(1) Hearings conducted by the Ethics Board shall be informal. The person complained against may be represented by legal counsel and/or by his or her bargaining representative and may present and cross-examine witnesses and give evidence before the Ethics Board. The Ethics Board may call witnesses on its own motion and compel the production of books, records, papers or other evidence needed. To that end, the proper authorities shall issue subpoenas and subpoenas at the request of the Ethics Board or the person complained against. All testimony shall be under oath administered by the Ethics Board. The Ethics Board may adjourn its hearing from time to time in order to allow for the orderly presentation of evidence. At anytime, and at any stage of an ethics investigation, the Ethics Board shall have access to legal counsel provided by the Town to assist them in their function.

(2) Upon motion made by the person complained against or upon its own motion, the Ethics Board may temporarily stay or permanently suspend its investigation when, in its informed discretion, the manifest needs of justice and fairness will be better served thereby.

(3) The Ethics Board shall prepare an official record of the hearing, including all testimony, which shall be recorded manually or by mechanical device, and exhibits, provided that the Ethics Board shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

F. Within 30 days after the conclusion of the hearing, the Ethics Board shall make and fully record in its permanent records findings of fact, conclusions of law and its determination of a final disposition. A copy of the findings, conclusions and recommended disposition shall be forwarded by registered mail to the person who made the initial report and to the person complained against at addresses as given by both persons to the Ethics Board and shall be filed simultaneously with the Town Clerk.

G. The Town Board may thereafter accept the recommendation of the Ethics Board or it may reject in whole or in part any portion of the determination and recommendation. The Town Board shall issue its final determination within 60 days of the date of filing with the Town Clerk of the findings and recommendation unless, prior to the expiration of the forty-five-day term, it shall have remanded the matter to the Ethics Board for clarification of any matter deemed by a majority of the Town Board to be ambiguous or inconsistent, in which event the Town Board shall act within 45 days of the filing of the findings and recommendation upon such remand with the Town Clerk. Any person found, by final determination of the Town Board, to be in violation of this Code of Ethics shall be subject to discipline by the Town Board.

H. Any person subject to discipline, reprimand or censure may seek review of the final determination to the Supreme Court of the State of New York in Orange County, provided such proceeding is commenced within 30 days of the date of service of the final determination upon such person.

§ 12. Violations and penalties.

A. Any elected official, appointed official or public employee who violates the code may be subject to the following disciplinary action:

- (1) Private formal reprimand;
- (2) Written reprimand or censure;
- (3) Suspension without pay for up to five days;
- (4) Termination or dismissal; and or
- (5) Such other penalties authorized by collective bargaining agreements or statutes.

B. Upon dismissal, and when warranted, appropriate information will be forwarded by the Town to the appropriate local, state or federal authorities for further action.

C. Any disciplinary action taken by the Town shall be conducted in accordance with the procedures defined in Civil Service Law § 75 unless provisions of a binding labor agreement shall be applicable. In either event, it is the intention of the chapter that any action shall require either the consent of the individual subject to discipline or following a hearing which comports with applicable notions for procedural due process of law.

D. In addition, any public official or public employee who violates the code shall be subject to a fine not exceeding \$500 for a first violation and not exceeding \$1,000 for each additional violation and, in default thereof, imprisonment not exceeding 72 hours.

E. When appropriate, the Town may take the necessary legal steps pursuant to a breach of contract with a third party, agent, contractor or consultant. Such steps may include, but not be limited to:

- (1) Termination of the agreement with no further transfer of funds.
- (2) Recovery of appropriate liquidated damages.

F. Any person, corporation, company or other entity found to have benefitted as a result of a violation of this code shall be debarred from participating in business dealings with the Town for up to 10 years.

G. A public official, appointed official or public employee of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the Attorney General or Comptroller of the State of New York or of the Town Attorney, which opinion or advice shall have been publicly stated at an open meeting of a Town Board and recorded in the minutes of the meeting, shall not be subject to the penalties provided for in Subsection A, B ,C ,D ,F or G of this section. .
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Links to Ethic Studies, Behavior, Training Web sites:

- The Josephson Institute of Ethics: www.josephsoninstitute.org
- Character Counts: www.charactercounts.org
- New York State Ethics Commission: www.dos.state.ny.us/ethc/ethics.html