



GERARD E. MANEY
Chairman

E. HYDE CLARKE
Secretary

COUNTY OF ALBANY
COUNTY ETHICS COMMISSION
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MICHAEL REST
Member

BERNARD J. MALONE
Member

July 28, 2021

Ethics Commission Annual Report for 2020

Members of the Ethics Commission

The Commission is comprised of five members. Michael Rest served as chairman for the first half 2020. Bernard Malone was appointed Chairman on July 15, 2020. The other members of the Commission included: Michael Rest, Shari Calnero, and Joseph Teresi. Gerard E. Maney, who now serves as Chairman, was appointed in September 2020 and E. Hyde Clarke, who now serves as Secretary, was appointed in December 2020. There is currently one vacancy.

Meetings

The Commission met five times in 2020. The meeting minutes are attached to this Report. The Commission extended the date to return the financial disclosure forms in light of the COVID-19 pandemic. Historically, the financial disclosure forms are due May 15th however the Commission found justifiable cause to extend the response deadline to July 15th.

Responses to Complaints and Advisory Opinions

There were two complaints received in 2020 which alleged violations of Local Law No. 8 for 2011 (hereinafter referred to as "Ethics Law"). At its July 15, 2020 the Commission determined that the first complaint was a personnel matter and failed to allege facts that violate the Ethics Law. The Commission directed its attorney to respond with a notice to the

complainant explaining its decision. The second complaint was an alleged violation of a local ethics law from a municipality within the County, but did not include any County officers or employees. At its October 27, 2020 meeting, the Commission determined that under the General Municipal Law there was jurisdiction to hear the second matter. However the complaint did not conform to the Ethics Law as it was not a sworn complaint. The Commission's attorney directed the complainant to submit the complaint in proper form. The complainant never resubmitted a complaint and therefore the matter was closed.

The Commission received no requests for Advisory Opinions in 2020.

Albany County Ethics Commission Meeting Minutes
February 27, 2020, 4:00pm
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207

In attendance: Shari Calnero, Michael Rest, Bernard Malone, Joseph Teresi, Patrick Collins, Peter Apostol, Jennifer Clement

Chair Rest called the meeting to order at 4:03pm

1. Approval of December 2019 meeting minutes. Motion by Judge Malone to approve, seconded by Judge Teresi. Unanimously approved.
2. Review of Annual Financial Disclosure filing list with the Commissioner of Human Resources, Jennifer Clement. The Commissioners reviewed list and discussed the form with Commissioner Clement. Discussion about whether the Annual Financial Disclosure filing could be done by affidavit or needed to be notarized. Notarization will continue to be required. Discussion about the requirements of the law as it affect boards and commission involving non-county appointed members and whether they are subject to the Albany County Ethics Law. Commission decided that all board and commission members appointed by county officers would be required to file under the Ethics Law. With these considerations, the Commission moved to adopt the list as presented by Commissioner Clement. Motion by Ms. Calnero, second by Chairman Rest, unanimous approval.
3. Peter Apostol and Patrick Collins noted that there were no updates from the Auditors from the State Comptroller as it relates to the Ethics Commission.

Motion to adjourn: made by Judge Teresi, seconded by Shari Calnero. Unanimously approved at 5:28pm.

Albany County Ethics Commission Meeting Minutes
April 28, 2020 11:00am
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted remotely via Turbo-Bridge phone conference

In attendance: Shari Calnero, Michael Rest, Bernard Malone, Patrick Collins, Peter Apostol

Emergency meeting was called to order by Chairman Rest at 11:00 a.m.

All 3 current members present- quorum present

1. Mr. Collins outlines procedural issues per open meetings law, Governor Andrew Cuomo's Executive Orders and legal grounds for the granting of an extension of the filing deadline due to justifiable cause by the Ethics Commission. July 15th proposed as an extension.
2. All 3 quorum members agree, Motion by Judge Malone to extend to July 15th, 2020. Ms. Calnero seconds. Vote is carried unanimously for an extension of the deadline until July 15th, 2020.
3. Follow up with HR and Clerk of County regarding notices to required filers.
4. Minutes from last meeting will need to be approved at next meeting
5. Motion to adjourn – Judge Malone makes motion to adjourn. Ms. Calnero seconds the motion Unanimous vote to adjourn.

Meeting ends 11:22 a.m.

Albany County Ethics Commission Meeting Minutes
July 15, 2020 4:00pm
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted remotely via Turbo-Bridge phone conference

In attendance: Shari Calnero, Michael Rest, Bernard Malone, Patrick Collins, Peter Apostol

Meeting was called to order by Chairman Rest at 4:05 p.m.

All 3 members present- quorum present

1. Reviewed the meeting minutes from February 27, 2020 and April 28, 2020 meeting, corrections to the minutes were made, a motion from Chairman Rest to adopt the minutes, as amended, was seconded by Ms. Calnero, and minutes were unanimously adopted.
2. Chairman Rest discussed the fact that his term as Chair was coming to an end and proposed taking up that vote at this meeting. Chairman Rest discussed that both he and Ms. Calnero had served as the Chair. Chairman Rest proposed that Judge Malone be nominated as Chair, and made such nomination. Ms. Calnero seconded the nomination and all members voted in the affirmative. Judge Malone was appointed Chairman.
3. Members discussed division of the Annual Financial Disclosure Forms for review. Mr. Collins noted that they were all due the day of the meeting, and that the Clerk of the Legislature and staff would sort them, and divide them by the number of Commission members. Mr. Collins also noted that those individuals who did not file timely will be contacted to have them submit the form.
4. Members discussed the status of the State Comptroller's Audit of Ethics Oversight and Mr. Apostol and Mr. Collins stated that no new information has come forward as to a timeline for the report.
5. Members discussed an alleged violation of Local Law 8 for 2011 and entered executive session to discuss the complaint. Motion to enter Executive Session by Ms. Calnero for the purposes of discussing a personnel matter, seconded by Judge Malone. All members voted in the affirmative. The Commission entered executive session at 4:50pm.
6. The Commission came out of executive session at 5:00pm after discussing a complaint received by the Commission May 19, 2020 and Ms. Calnero moved to dismiss the complaint for failing to alleged facts which violate the Ethics Law. Mr. Rest seconded. All members were in the affirmative and the motion

passed unanimously. Mr. Collins noted that the Ethics Law requires notice to the Complainant and the Respondent of the dismissal of the Complaint, and offered to work with Mr. Apostol to draft such notice.

7. The Commission set the next meeting for September 23, 2020 at 4:00pm.
8. Motion to adjourn – Mr. Rest moved to adjourn, Ms. Calnero seconded, all members in favor. The motion Unanimous vote to adjourn.

Meeting ends 5:04 pm.

**Albany County Ethics Commission Meeting Minutes
September 29, 2020 3:30pm
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207**

Meeting conducted in person and remotely via Turbo-Bridge phone conference.

In attendance: Michael Rest, Bernard Malone, Gerard Maney, Patrick Collins

Meeting was called to order by Chairman Malone at 4:00 p.m.

All 3 members present- quorum present

1. Reviewed the meeting minutes from July 15, 2020 meeting, a motion from Mr. Rest to adopt the minutes was seconded by Chairman Malone, Judge Maney abstained, and minutes were unanimously adopted with one abstention.
2. Chairman Malone introduced the newest member of the Commission, Judge Gerard Maney, and provided welcoming remarks.
3. The Commission discussed the receipt of an alleged violation of the Ethics Law from a municipality within the County, but not including any County officers or employees. Chairman Malone asked for request to be issued to the County Attorney's office to research and report on what jurisdiction the Commission has over the complaint, and whether it needs to be received.
4. Mr. Collins updated the Commissioners on the status of the State Comptroller's office.
5. Motion to adjourn – Mr. Rest moved to adjourn, Judge Maney seconded. The motion was unanimous.

Meeting ends 4:24 pm.

Albany County Ethics Commission Meeting Minutes
October 27, 2020 3:00pm
Room 710
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person and remotely via Turbo-Bridge phone conference.

In attendance: Michael Rest, Bernard Malone, Gerard Maney, Patrick Collins, Peter Apostol

Meeting was called to order by Chairman Malone at 3:12 p.m.

All 3 members present- quorum present

1. Reviewed the meeting minutes from September 29, 2020 meeting, a motion from Mr. Rest to adopt the minutes was seconded by Judge Maney, and minutes were unanimously adopted.
2. Mr. Collins discussed the responses to the Financial Disclosure forms. Chairman Malone discussed determining the power of the Commission to alter the state of the form and whether it would require legislative approval to make the forms more clear. Chairman Malone asked that the Commissioner of Human Resources and the Office of the County Attorney assist the Commission on modifying the Financial Disclosure Form.
3. Mr. Apostol updated the Commissioners on the status of the State Comptroller's office. Noting that the County has provided a reply to the draft report, that the County had objections to portions of the form, including the methodology of the report.
4. On the status of the vacant positions on the Commission, Mr. Collins noted that there was previously some confusion about the makeup of the Commission, but that the appointing authorities were made aware of the current makeup.
5. The Commission discussed the receipt of an alleged violation of the Ethics Law from a municipality within the County, which did not include any County officers or employees. Mr. Apostol noted that in researching the matter, under the General Municipal Law, the Commission may review complaints from municipalities within the jurisdiction of Albany County. However, the complaint did not conform to the County's process, which includes a sworn complaint. Accordingly, it was determined that the Commission does have authority, but that the complainant should conform to the process set up by the County Ethics Commission. Chairman Malone asked for a motion to direct the complainant to submit the complaint in the proper form, Mr. Rest made

such a motion and it was seconded by Judge Maney. Mr. Rest asked counsel to direct the complainant to the Ethics Law website, so they may understand what a constitutes a complaint under the Albany County Ethics Law.

6. Motion to adjourn – Mr. Rest moved to adjourn, Judge Maney seconded. The motion was unanimous.

Meeting ends 3:49 pm.