



GERARD E. MANEY
Chairman

COUNTY OF ALBANY
COUNTY ETHICS COMMISSION
112 STATE STREET, ROOM 710
ALBANY, NEW YORK 12207

BERNARD J. MALONE
Member

JAMES MELITA
Secretary

PHONE: (518) 447-7168 FAX: (518) 447-5683
www.albanycounty.com

BRYAN BEST
Member

SUBSTANTIAL BASIS DETERMINATION

Preliminary Findings of Fact

The Albany County Ethics Commission (“Commission”) received a complaint on October 19, 2022 and amendments to the complaint on January 11, 2023 and April 10, 2023 (“Complaints”). On December 14, 2022 the Commission decided to undergo a preliminary review phase.

The Complaints arose after the Albany County Department of Mental Health (“ACMH”) contracted with Genoa Pharmacy (“Genoa”) for an in-house pharmacy at the Albany County Mental Health Clinic. The Complaints include allegations that the process for the Request for Proposals for the installation of the in-house pharmacy was not done properly, that little notice was provided to the public that ACMH was looking for an in-house pharmacy, that the proposal was drafted in favor of Genoa, that the hiring of the daughter of a high ranking ACMH official violated the Ethics Law, that the mailing of a letter on Albany County letterhead to the clients of ACMH promoting Genoa, and the use of prior authorizations were done in an effort to steer clients to Genoa.

Due to the Law Department having a conflict, the Commission determined that outside counsel was necessary to handle the preliminary review phase investigation and retained Cynthia

E. Preiser, Esq., as an independent investigator. The independent investigator reviewed the Complaints, read the Albany County Ethics Law, reviewed the policies of the Commission, met with members of the Commission and multiple witnesses. She also watched legislative committee meetings and the proceedings of the Albany County Legislature for the original contract and the renewal of the contract with Genoa.

Conclusions of Law

No Ethical violations were committed during the proposal process. The request for bids, posting of the request, reviewing bids and awarding the contract were all done in compliance with Albany County policies.

No Ethical violations were committed when the daughter of an ACMH official was hired by Genoa as the head pharmacist. Genoa is an independent company leasing space from Albany County and the pharmacist hired had a background in working with the mental health community and was already working for Genoa in another location.

No Ethical violations occurred when a letter was distributed by ACMH announcing the existence of Genoa in the Mental Health Clinic as none of the parties involved had a financial interest in Genoa.

No Ethical violations were found on the remaining allegations.

Determination

After a thorough review of the Complaints and the report and recommendation of the independent investigator, the Commission hereby decides that no substantial basis exists that a violation of the Ethics Law occurred and the Complaints are dismissed. This decision shall

constitute the final determination by the Commission. The Clerk of the Legislature is directed to provide a copy of this determination to the Respondent(s) and Complainant.

Adopted by the Albany County Ethics Commission on November 15, 2023

Members Present

Gerard E. Maney, Chairman
James Melita, Secretary
Bernard J. Malone, Member
Bryan Best, Member