

## **The Ethics of Ethics Reform**

By Susan Siegel

There are two sides to the ethics coin: perception and reality.

Let's talk about reality. The reality of whether Supervisor Grace is interested in having a meaningful ethics law.

Let's look at the record.

### **May 5, 2015**

After months of waiting to meet with the Town Board to discuss strengthening the current Ethics Law, a member of the Ethics Board finally had an opportunity — not at an open meeting in front of the public but at a closed executive session. (A Councilwoman at the time, I reminded my colleagues that under the Open Meetings Law, any discussion of legislation had to be conducted at an open meeting. Supervisor Grace and Councilmen Diana and Bernard dismissed my comment.)

At the meeting, the Ethics Board member stated the group's primary concern was that if the Ethics Board was to have any meaning, it had to be independent of the Town Board; under the existing law, the Ethics Board could only make recommendations to the Town Board and the Town Board could choose to ignore the recommendations and/or not even make them public.

### **May 26, 2015**

Supervisor Grace put ethics on the work session agenda for a 7:45 pm open session discussion. But, at the last minute, the discussion was moved up to 7pm. When the Supervisor said the discussion would be in a closed executive session, I protested and started to walk out of the meeting. The Supervisor reversed himself and agreed to conduct the meeting in the open. But, because of the timing change, the public wasn't there to hear the discussion.

Calling the current law "arcane" and "deplorable," the Ethics Board members reiterated the group's desire to hire an outside attorney with a specialty in ethics law to review the current law. The Town Board agreed to spend up to \$5,000 to hire Steven Leventhal and indicated that it would vote on a resolution to that effect at the next meeting.

### **September 11, 2015**

After it was pointed out that the Town Board had never passed the resolution it had discussed at its May 26, 2015 meeting, the board voted to hire Mr. Leventhal. The vote was unanimous.

### **November 24, 2015**

The Supervisor invited Mr. Leventhal to the board meeting. But no one from the Ethics Board attended the meeting because no one in town hall notified the Ethics Board that Mr. Leventhal was going to be present. ("Oh, I thought you were going to do it," was how two town employees explained the communications "mix up.")

After a discussion of several possible amendments, including one about giving the Ethics Board more power and a second involving the law's "revolving door" provision that limited former town employees from appearing before town boards for a period of time, Mr. Leventhal said he would provide the Town Board with a copy of another ethics code he had consulted on. He also suggested that a committee be created to review the document and report back to the Town Board.

### **March 29, 2016**

Fast forward four months. Surprise! While reviewing the town's 2015 online expense reports, I discovered that on December 4, 2015, Mr. Leventhal had submitted a voucher to the town for \$900 for what was recorded as **Town Ethics Prelim Dra**. The voucher was paid on January 25, 2016.

*As a member of the Town Board through December 31, 2015, I never received a copy of Mr. Leventhal's draft document, nor was I informed that Mr. Leventhal had submitted any documents after his November meeting.*

On March 29, 2016, I submitted a FOIL (Freedom of Information) request for a copy the **Town Ethics Prelim Dra** that Mr. Leventhal submitted back in December, 2015. On April 26, 2016 my request was denied.

**So here are three questions:**

1. Has Supervisor Grace shared the Leventhal draft with either the current Town Board or the Ethics Board?
2. If not, why not?
3. And if not, what does that say about Supervisor Grace's interest in having a meaningful ethics law in Yorktown?