

BOARD OF ETHICS AGENDA

JANUARY 9, 2023 at 11:00 a.m.

Board of Supervisors Meeting Room, 2nd Floor

Warren County Municipal Center

1340 State Route 9

Lake George, New York 12845

Members: Robert Iusi, Ash Anand, George Armstrong, John W. Bishop, James McEnaney, Jr.

Alternate Members: Diana Palmer, Peter Aust, Sean Dion

- I. Call to Order
- II. Roll Call.
- III. Appointment of Chairperson and Vice Chairperson
- IV. Public Comment.
- V. Warren County Board of Ethics Standing Rules and Procedures (Proposed)
 - a. Presentation and Overview (County Attorney)
 - b. Board Discussion on Standing Rules and Procedures
 - c. Vote on Standing Rules and Procedures
- VI. Proposed Agenda for Next Meeting
 - a. Review of Documents Received for Board Consideration
 - b. Discussion of Future 2023 Meeting Dates
- VII. Privilege of the Floor and Public Comment
- VIII. Announcements:
 - a. Next Scheduled Meeting Date and Time: _____
- IX. Motion to Adjourn

WARREN COUNTY BOARD OF ETHICS

STANDING RULES AND PROCEDURES

PREAMBLE

WHEREAS, on July 15, 2022, the Board of Supervisors enacted and adopted Resolution No. 353 of 2022 which was enacted as Warren County Local Law No. 2 of 2022, entitled “Enacting Local Law No. 2 of 2022, entitled “A Local Law Amending and Updating Local Law No. 6 of 2021, “A Local Law Amending and Updating Local Law No. 5 of 2021, A Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law”” commonly referred to as the Warren County Code of Ethics (hereafter, “Code”); and

WHEREAS, the Code provides for the establishment of a Board of Ethics for Warren County (hereafter, “Board”), the composition for the Board, and the scope of authority delegated to the Board; and

WHEREAS, the Code delegates to the Board responsibility to establish such rules and policies that may be necessary for the proper discharge of its duties; now, therefore, be it

RESOLVED, that the Board hereby enacts and adopts the following “Standing Rules and Procedures” (hereafter, “Standing Rules”) to supplement the rules and procedures set forth by the Code and to govern the conduct of the Board’s discharge of assigned duties.

STANDING RULES AND PROCEDURES

1. Conduct of Meetings of the Board.

- a. The Board shall conduct all meetings at the Warren County Municipal Center, second floor, located at 1340 State Route 9, Lake George, New York 12845.
- b. A majority of the whole number of the primary members fixed by the Code shall constitute a quorum for the transaction of business, but a lesser number may adjourn a meeting. Quorum for the Board shall be three members.
- c. The Board shall conduct a minimum of two meetings each calendar year with the first annual meeting occurring not later than February 14th and the second annual meeting occurring prior to April 1st of each year.

- d. All other Board meetings occurring during the calendar year shall be held on dates and times fixed by the Chairperson of the Board on notice to the members of the Board.
- e. Alternate Board members shall be designated to serve during a meeting in the absence of a Primary Board member based upon the order of appointment.
- f. All Board meetings shall include an opportunity for public comment at the beginning and the conclusion of each meeting. Alternate members who are physically present and not designated to participate during the meeting due to the absence of a Primary Board member may address the Board during public comment.
- g. Primary Board members, or Alternate Board Members designated to participate in the absence of a Primary Board member during a specific meeting, shall be the only members authorized to vote and debate matters presented to the Board during meetings.
- h. The Code provides that the Board shall be a “public body” as defined by section 102(2) of the Public Officers Law and that the Board shall comply with the requirements of the Public Officers Law, Article 7, also referred to as the Open Meetings Law.
- i. The Board may use Robert’s Rules of Order to conduct business upon any issue or matter not expressly addressed by the Standing Rules.
- j. The members of the Board shall select a Chairperson and a Vice-Chairperson during at the beginning of the Board’s term and such members shall serve for the remaining portion of the Board’s appointment term.
- k. The Chairperson shall preside at meetings of the Board, call meetings of the Board, set the agenda for Board meetings, sign documents issued by the Board, and attend to such other duties and responsibilities as set forth by these Standing Rules.
- l. In the case of the absence, illness, or unavailability of the Chairperson, the Vice-Chairperson shall execute the duties of the Chairperson.
- m. The Clerk of the Board of Supervisors, or the Clerk’s designee, shall serve as the Secretary for the Board, to include posting of notices of meetings, taking minutes, and publishing meeting minutes.

- n. The Board shall take all actions and make all decisions only upon the majority vote of the whole number of the primary members fixed by the Code.
- o. The Chairperson shall file a statement with the Warren County Clerk at the beginning of the Board's term of appointment stating that the Board is authorized by Local Law to be the repository for all completed annual Financial Disclosure Statements and that the Board designates the custodian of records for all filed Financial Disclosure Statements to be the Warren County Attorney, or his designee from the County Attorney's Office.
- p. The Board may amend or replace these Standing Rules at any time during the Board's appointed term upon a majority vote which shall be the majority of the whole number of primary members fixed by the Code. These rules shall terminate upon any future successive Board adopting new Standing Rules.

2. Service of Documents.

- a. Service of documents by the Board upon any individual County officer or employee required by the Standing Rules shall be accomplished by any one of the following methods:
 - i. Personal delivery to the person at their place of employment;
 - ii. Delivery as an attachment to the County email address of the intended recipient; or
 - iii. Regular mail to the home address of record on file with the County.
- b. Proof of Service.
 - i. The person completing service of any documents and papers which are served personally upon a County officer or employee at their place of employment, or by regular mail, shall be documented by completing the Proof of Service form enclosed form at **Attachment "A."** The Proof of Service Form shall be self-authenticating and admissible for all purposes, once signed before a notary public.
 - ii. The person completing service of any documents and papers which are served by County email address upon a County officer or employee shall print a copy

of the sent email, or save a copy of the sent email as a .pdf document, which shall thereafter be self-authenticating and admissible for all purposes.

3. Annual Review of Annual Financial Disclosure Statements.

- a. On or before February 14th of each calendar year, the Board shall conduct an initial review of all Annual Financial Disclosure Statements (hereafter, “FDS”) filed by County officers and employees who are mandatory filers under the Code for the current calendar year.
- b. On or before April 1st of each calendar year, the Board shall conduct a final review of all FDS filed for the current calendar year.
- c. The Board shall verify that each filer, as set forth on Appendix “A” of the Code, (hereafter, “mandatory filer”) filed an FDS for the current calendar year.
- d. On or after February 1st of each calendar year, the Board shall identify each mandatory filer who failed to file an FDS for the current calendar year, and upon a majority vote, shall direct the Chairperson to issue a Failure to File Notification, in a form similar to **Attachment “B”** herein, to each person that failed to file which shall state:
 - i. That the mandatory filer was required by the Code to file an FDS for the current calendar year; and
 - ii. That the mandatory filer failed to file an FDS for the current calendar year; and
 - iii. That the continuing failure to file an FDS for the current calendar year, within fourteen (14) calendar days after the issuance of the Failure to File Notification, will result in the mandatory personal appearance of the filer before the Board; and
 - iv. The date and time for the Board meeting at which the mandatory filer must appear if no FDS is filed within fourteen (14) days after the issuance of the Failure to File Notification; and
 - v. Upon the majority vote of the Board, the failure of the mandatory filer to appear at the designate Board meeting shall result in the Board referring the

mandatory filer for potential disciplinary action to: (1) The mandatory filer's department head, if a County employee; (2) The County Administrator, if a non-elected officer or employee; and (3) The Chairman of the Board of Supervisors, with a copy to the Clerk of the Board of Supervisors for distribution to the Board of Supervisors.

- e. The Board may grant individual time extensions to mandatory filers, for good cause, upon the written request of the individual filer or the request of the mandatory filer's Department Head.
- f. The Board shall review each FDS filed to determine if the document is facially sufficient. While it is not the duty or obligation of the Board to evaluate the veracity of information disclosed upon an individual FDS during the annual review process, the Board may decide, in their sole discretion by majority vote, to take reasonable actions to verify the truthfulness, completeness, and accuracy of any information disclosed upon filed FDS, to include the lack of information provided upon any filed FDS.
- g. A filed FDS shall be deemed "facially sufficient" if it meets the following criteria:
 - i. Would a reasonable person reviewing the FDS have a concern that the answers provided on the FDS are not responsive to the questions asked?
 - ii. Would a reasonable person reviewing the information disclosed on the FDS have a concern as to the veracity or accuracy of the answers provided based on common sense and/or a conflict between different answers provided by the individual filer?
 - iii. Would a reasonable person reviewing the FDS have a concern that the document as a whole is not complete, or that any individual answer is not complete?
- h. The Board shall take appropriate action on each FDS which is deemed facially insufficient by a majority vote, and shall notify the filer of the corrective action required to include, but not limited to:
 - i. Returning the FDS to the filer with a demand for more complete written response(s);

- ii. Requesting the filer to submit a new FDS;
 - iii. Directing the filer to submit supporting documentation to address the identified concern(s) of the Board; and/or
 - iv. Requesting the personal appearance of the individual filer before the Board to answer Board questions concerning the information contained upon the filed FDS.
- i. The Board shall notify an individual filer of required corrective action by issuing a Notice of Corrective Action Required, in a form substantially similar to **Attachments “C” & “C-1”**
- i. The first Notice of Corrective Action Required issued by the Board shall be sent only to the individual filer of the FDS determined to be facially insufficient.
 - ii. Each additional Notice of Corrective Action Required issued to a non-elected County officer or employee during the same calendar year shall be sent to the filer, the filer’s department head, if any, and the County Administrator.
 - iii. If the filer is an elected official of the County, then each additional Notice of Corrective Action Required shall be sent to the filer, the Clerk of the Board of Supervisors for publication to the Board of Supervisors, the County Administrator, and the County Attorney.
- j. On or after May 1st of each calendar year, the Board shall direct the Chairperson of the Board to submit written notification to the Clerk of the Board of Supervisors for distribution to the Board of Supervisors, County Administrator, and County Attorney of the names and employment position of every County officer and employee, to include elected officials, who are mandatory filers, but failed to file a FDS, without good cause approved by the Board, as of April 30th of that calendar year.

4. Issue Ethics Advisory Opinions.

- a. Warren County officers and employees may submit to the Board a written request for an advisory opinion with respect to proposed future conduct or action by a public

servant and an interpretation of the Code and Article 18 of the General Municipal Law, prior to the occurrence of the future conduct or action.

- b. A request for an advisory opinion may be submitted by a County officer or employee upon the Request for Ethics Advisory Opinion form, enclosed herein as **Attachment “D”**, or a substantially similar document.
- c. The Board shall treat a request for an advisory opinion as confidential, but the requesting party shall understand that a written request for an advisory opinion and the resulting advisory opinion may be subject to disclosure under the Freedom of Information Act.
- d. All requests for an Advisory Opinion shall be in writing, signed by the requester, and mailed or hand delivered to the Warren County Board of Ethics, c/o Warren County Attorney’s Office, Warren County Municipal Center, 1340 State Route 9, Lake George, New York 12845.
- e. Upon receipt of a written request for an advisory opinion, the Chairperson shall acknowledge the request in writing, as soon as practicable.
- f. The Board’s primary members may investigate, conduct fact-finding, and conduct background research which may include legal research, review of County policies and procedures, and conferring with the Board’s legal counsel.
- g. The Board shall determine, by majority vote, whether the request warrants the preparation and issuance of an advisory opinion.
 - i. If the request for an advisory opinion is not within the jurisdiction of the Board as fixed by the Code, or the Board decides that it will not issue an advisory opinion based on the facts before it, then the Chairperson shall be directed to issue a letter to the requester stating that no action will be taken.
 - ii. If the request for an advisory opinion is within the jurisdiction of the Board as fixed by the Code, and the Board has sufficient factual information, then the Board shall determine whether or not it will issue an advisory opinion in the matter presented. In determining whether to issue an advisory opinion, the Board may consider the following factors:
 - 1. Would an opinion assist the requester and guide future conduct?

2. Has the Board previously issued an opinion on this same matter or one that is substantially similar?
 3. Is the matter currently being investigated by law enforcement?
 4. Is there a conflict of interest by the Board that requires recusal?
 - h. If the Board decides to issue an advisory opinion, the matter shall be assigned a case number which shall include the year followed by a sequential number (i.e. 2022-1; 2022-2).
 - i. The Board shall issue an advisory opinion upon a majority vote within ninety (90) days from the Board's decision to issue an opinion. Any advisory opinion approved by the Board shall not state the name or the title/position of the County officer or employee that requested the advisory opinion and the advisory opinion shall make reasonable efforts to keep the identity of the requester confidential to the degree confidentiality is feasible based on the facts.
 - j. Every advisory opinion issued by the Board shall be in written form and provided to the requester and the Clerk of the Board of Supervisors for distribution to the Board of Supervisors, County Administrator and County Attorney.
 - k. The Board shall take no future action against any County officer or employee whom requested an advisory opinion prior to conducting the affairs addressed by the advisory opinion, so long as the requesters conduct occurs after the advisory opinion was issued and conformed to the requirements of the advisory opinion.
 - l. All advisory opinions issued by the Board may be released to the public, to include being posted to the Board's webpage.
5. Ethics Complaint Procedure.
 - a. The Board is authorized to accept for consideration written, sworn complaints bearing the original signature of the complainant. An ethics complaint must be in the form of a sworn affidavit which contains a signed certification which states that "False statements made herein are punishable as a class A misdemeanor, pursuant to section 210.45 of the Penal Law" (hereafter, "sworn complaint"). All sworn complaints shall

substantially comply with the requirements set forth by the enclosed **Attachment “E.”**

- b. All sworn complaints shall be sent by mail or personally delivered to: Warren County Board of Ethics, c/o Warren County Attorney’s Office, Warren County Municipal Center, 1340 State Route 9, Lake George, New York 12845.
- c. No member of the Board, or the County Attorney’s Office, shall provide any assistance or advice to a complainant in preparing a sworn complaint for submission to the Board.
- d. Every document filed with the Board which claims to be an ethics complaint must state the following facts and information, to the extent such information is available:
 - i. The full legal name of the person or persons who are the subject of the complaint, and their Department, position, and duties and responsibilities with the County; and
 - ii. The date, time, and location of the alleged ethics violation; and
 - iii. A detailed description of the facts of the alleged ethics violation and which facts are personally known to the complainant, or were discovered by the complainant from another person or source. If the facts were discovered by the complainant from another source or person, state each and every source and person and provide their contact information to include home address, phone number and email address.
 - iv. The complainant’s affiliation, association, or relationship with the person or persons who are the subject of the ethics complaint, if any, and if none, state that there is no affiliation, association, or relationship.
 - v. Complainant’s full legal name and contact information, to include the mailing address, work address, phone number, and email address.
 - vi. All supporting information or documents in the possession of Complainant, which may aid the Board to review and assess the allegations set forth by the complaint shall be provided with the sworn complaint when filed.
- e. The Chairperson shall conduct a preliminary review of any document received alleging to be an ethics complaint and shall return to the filer any documents which

are deemed to not comply with these Standing Rules, if a mailing address was provided. The Chairperson and the Board shall not consider, review, or respond to any email, text message, facsimile, or other form of electronic communication, from any source, which claims to be an ethics complaint and shall take no further action on any such submission.

- f. If the Chairperson determines that the document complies with the Code and Standing Rules, then the document shall be assigned a matter number designating the year received and a sequential number and the filer shall be notified, in writing, that the Board received the document, the matter number assigned to the document, and that the document shall be reviewed during the next scheduled Board meeting.
- g. The Board, within thirty (30) days of the Chairperson notifying the filer that their filed document was received, shall determine whether a filed document is deemed to be a complaint under the Code by taking the following actions:
 - i. The Board shall make an initial determination by majority vote whether the filed document constitutes a complaint by determining whether the factual allegations in the document demonstrate that the Board possesses jurisdiction over the factual allegations and those allegations are both “credible and actionable.”
 - ii. The Board shall determine whether the filed document:
 - 1. States a specific section of the Code or Article 18 of the General Municipal Law which was alleged to have been violated, or that the Board identified a specific section of the Code or Article 18 of the General Municipal Law which would apply to the factual allegations; and
 - 2. States factual allegations sufficient to establish “reasonable cause” that a Warren County officer or employee violated a specific provision of the Code, or Article 18 of the General Municipal Law; and
 - 3. The Board determines that “reasonable cause” exists: (1) when information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to

convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that there was an ethical violation of the Code or Article 18 of the General Municipal Law; and (2) that the person identified committed the alleged violation.

- iii. The Board shall determine whether reasonable cause exists on a case-by-case basis relying solely on the factual allegations presented in the filed document and any attachments and shall not be based upon any other source of potential facts or information available to the Board members, or the general public.
- iv. The Chairperson shall close any matter when the Board fails to find, by a majority vote, that a filed document constitutes a complaint and shall notify the filer, in writing, delivered by mail, when a matter is closed and shall take no further action on the filed document.
- v. The Board shall not disclose the existence of a filed document which was not deemed to constitute a Complaint to any person, absent compulsion of process or the order of a Court of competent jurisdiction.
- h. Complaint Review Procedure and Investigation.
 - i. Within five (5) business days after the Board determines a filed document constituted a sworn complaint, the Board shall issue a Notice of Complaint to inform the Respondent(s), in writing, that an ethics complaint has been filed against him or her and an investigation has commenced.
 - 1. The Notice of Complaint shall provide a general statement of facts upon which the Board relied for its determination that the complaint was credible and actionable.
 - 2. The Notice of Complaint shall set forth the provisions of the Code and/or law allegedly violated.
 - 3. The Board, in their sole discretion, shall determine by majority vote on a case-by-case basis whether to disclose a copy of the complaint with the Notice of Complaint. The Board may consider the following factors when determining whether to disclose the complaint: the privacy of the Complainant; the sensitive nature of the information set

forth in the Complaint; the need to protect Complainant from retribution or other negative consequences identified from the factual allegations in the Complaint; the relationship of Complainant to Respondent(s); the risks to the investigation caused through release of the Complaint and information stated therein; and the due process rights of the Respondent to receive notice and a full and fair opportunity to be heard regarding the pending allegation(s) in order to answer and defend themselves from the allegation(s).

4. A copy of these Standing Rules shall be provided to the Respondent with the Notice of Complaint.
- ii. The Respondent shall have twenty-one (21) days after service of the Notice of Complaint to submit a sworn affidavit in response to the allegations, along with all supporting documentation. The Respondent shall answer the Notice of Complaint by sworn affidavit made under the pains and penalties of perjury; a copy of the affidavit which may be used by a Respondent is provided as **Attachment “F.”**
 - iii. After the Board receives and reviews Respondent’s Answer, the Board may conduct an informal investigation to gather additional facts and evidence to assist the Board in their evaluation of the Complaint, or the Board may designate, by majority vote, one or more members of the Board, to include alternate members, to conduct an informal investigation and to report the findings and results of the informal investigation to the Board at the next scheduled meeting to address the Complaint.
 1. The Board, or designated members, may serve a written demand for further information or documentation from a complainant or a respondent during the investigation phase and may direct the production of an affidavit verifying that the additional statement and/or documents are true and complete.
 2. The Board, or designated members, may serve a written demand for further information or documentation upon any County officer or

employee during the investigation phase and may direct the production of an affidavit verifying that the statement and/or documents are true and complete.

3. The Board, upon majority vote only, may request further information or documentation from any third-party who is not a County officer or employee during the investigation phase and may request production of an affidavit verifying that the additional statement and/or documents are true and complete.

- i. **Actions Available to the Board After Issuing Notice of Complaint and/or Informal Investigation.**

- i. After Respondent's affidavit is filed with the Board in response to the Notice of Complaint, the Board may determine by majority vote that there is no longer any reasonable cause to believe that the Code or Article 18 of the General Municipal Law was violated. Upon such a vote, the Chairperson shall notify the Complainant and Respondent, in writing, that the Board determined no reasonable cause to proceed with the Complaint and that the complaint was dismissed and the matter closed.
- ii. After the completion of any informal investigation, the Board may determine by majority vote that there is no longer any reasonable cause to believe that the Code or Article 18 of the General Municipal Law was violated. Upon such a vote, the Chairperson shall notify the Complainant and Respondent, in writing, that the Board determined no reasonable cause to proceed with the Complaint and that the complaint was dismissed and the matter closed.
- iii. After Respondent files an affidavit in response to the Complaint and/or the Board completed any informal investigation, the Board may determine by majority vote based on the evidence and information submitted to the Board that Respondent committed an ethical violation, without proceeding to an Investigation Hearing.
- iv. If the Board is unable to either dismiss the Complaint, or make a finding that the Respondent committed an ethical violation, then the Board shall continue

the Complaint Review Procedure and Investigation Phase by proceeding with an Investigation Hearing.

j. Investigation Hearing Procedures.

- i. The Board may, in their sole discretion, determine that as a continuation of the Complaint Review Procedure and Investigation Phase the Board shall hold an Investigation Hearing or decide to refer the Complaint and Respondent's Affidavit to the appropriate agency if the Respondent's conduct is subject to any other provision of State law, or to a collective bargaining agreement which provides for the conduct of disciplinary hearings under section 75 of the Civil Service Law.
- ii. Upon scheduling an Investigation Hearing date and time, the Board shall issue a Notice to Appear to each complainant, respondent or other County officer or employee that the Board seeks to question based on the belief that such person possesses relevant and material information relating to the subject matter of the Complaint. Nothing prohibits the Board from requesting a third party who is not a County officer or employee from appearing voluntarily to answer questions posed by the Board as part of the investigation.
- iii. The Board shall serve a Notice to Appear, as provided at **Exhibit "G"**, at least fourteen (14) calendar days prior to the date fixed for the Investigation Hearing, which shall advise the witness of:
 1. The complaint number assigned by the Board;
 2. The name of the Respondent(s);
 3. The date and time the witness shall appear for the Investigation Hearing;
 4. The general nature of the Complaint's allegations;
 5. Any requirement to appear and produce specific documents or other items related to the allegations in the Complaint;
 6. The right of any witness to appear with an attorney of their choice and at their sole cost, and the right of any such attorney to attend the proceeds for observation purposes only; and

7. That no attorney appearing with a witness shall be authorized to address the Board on behalf of their client or participate in the proceedings beyond observation.
- iv. The person appearing before an Investigation Hearing shall not be administered any oath or affirmation and all statements shall be unsworn. No record of the proceedings shall be required, unless the Board determines, in their sole judgment, to create a record of the proceeding by recording.
 - v. The Complainant and Respondent possess no legal right or authority to be physically present during any portion of the Investigation Hearing, and no person shall participate in the questioning of a witness, except a member of the Board, or such other person designated by majority vote of the Board to conduct questioning on behalf of the Board during the Investigation Hearing.
 - vi. The Board shall not be required to record the Investigation Hearing proceedings and may, in their sole discretion, record any individual witness' unsworn testimony. Should the Board decide to record the statement of any individual witness the entire statement, to include all questions and answers, shall be recorded. Any such recordings shall be maintained by the Board for a period of three years from the date of any final employment action taken by the County against the Respondent, or as otherwise required by State Law.
- k. Dismissal of Complaint After Investigation Hearing.
 - i. If the Board determines by majority vote after an Investigation Hearing that it is more likely that the ethical violation alleged by the Complaint did not occur, then the Board shall dismiss the Complaint, with prejudice, and set forth the facts and reasons in a written advisory decision, approved by the majority vote of the Board. The advisory decision shall be provided to the Clerk of the Board of Supervisors for distribution to the Board of Supervisors, County Administrator, County Attorney, Director of Human Resources, the Department Head for the County officer or employee, if any, each hearing witness, the Complainant and the Respondent, and state that the Board

dismissed the complaint, closed the matter, and shall take no further action concerning the matter.

- ii. The Notice of Disposition shall be issued within 30 days after a dismissal determination by the Board.

l. Advisory Decision.

- i. If the Board finds by majority vote that it is more likely than not that Respondent violated a provision of the Code, or Article 18 of the General Municipal Law, then the Board shall prepare and approve by majority vote, an Advisory Decision which states the facts which the Board determines to be true and credible. The Board shall also support any determination that Respondent committed an ethical violation by a preponderance of the evidence. The advisory Decision shall reference any documents relied upon by the Board in making its determination and shall attach all documents relied upon to the Advisory Decision.
- ii. The Advisory Decision shall be signed by each Board Member who votes to approve the Advisory Decision.
- iii. The Board shall refer the Advisory Decision to the County Attorney for a legal sufficiency review and upon the determination of the County Attorney that the Advisory Decision is legally sufficient, the Chairperson shall submit the Advisory Opinion and the legal sufficiency determination by the County Attorney to the Clerk of the Board of Supervisors for distribution to the Board of Supervisors, County Administrator, County Attorney, Director of Human Resources, and the Department Head for the County officer or employee for the Respondent, if any.
- iv. A copy of the Advisory Decision shall be served upon the Respondent, as set forth by paragraph 2 above.

m. Advisory Opinion on Enforcement.

- i. The Board shall be empowered to issue an advisory opinion on enforcement as part of any Advisory Decision approved by the Board which finds that a

County officer or employee violated the Code, or Article 18 of the General Municipal Law.

- ii. Any advisory enforcement opinion by the Board may only be issued as part of the Advisory Decision and must be approved by the majority vote of the Board.
 - n. Release of Advisory Decisions. The Board may publish on their webpage any Advisory Decision issued by the Board, to include any Advisory Opinion of Enforcement, upon the majority vote of the Board.
6. Freedom Of Information Law: All records submitted to the Board or generated by the Board may be subject to release under the New York State Public Officers Law Article 6, known as the Freedom of Information Law.
7. Attachments & Publication of Standing Rules.
- a. The Board directs that the final enacted Standing Rules and attachments are forwarded to the Clerk of the Board of Supervisors for publication to the Board of Supervisors, and shall be published and accessible upon the official website for the County of Warren.

THIS CONSTITUTES THE 2023 WARREN COUNTY BOARD OF ETHICS STANDING RULES AND PROCEDURE. APPROVED BY MAJORITY VOTE OF THE BOARD OF ETHICS.

DATED AND SIGNED THIS 9th DAY OF JANUARY, 2023.

ROBERT IUSI, Primary Member

ASH ANAND, Primary Member

GEORGE ARMSTRONG, Primary Member

JOHN W. BISHOP, Primary Member

JAMES MCENANEY, Primary Member

ATTACHMENT “A”

**ATTACHMENT "A":
PROOF OF SERVICE FORM**

STATE OF NEW YORK)
) ss.:
COUNTY OF WARREN)

I, _____, being duly sworn does depose and say:

1. I am not a party to the matter, am over 18 years of age and reside in _____ County, New York.

2. On _____, at approximately _____ a.m./p.m., I personally served a copy of _____, upon the following County employee(s): _____, as follows (initial each method of service completed):

- _____ a. Personal delivery to the person at their place of County employment;
- _____ b. By regular mail, by mailing the same in a sealed envelope, by first class mail, with postage prepaid thereon, and depositing into an official depository of the U.S. Postal Service within the State of New York, addressed to the last known addressee below:

(signature) _____

(printed) _____

Sworn to before me this
_____th day of _____, 202__.

Notary Public-State of New York

ATTACHMENT “B”

**ATTACHMENT “B”:
FAILURE TO FILE NOTIFICATION**

MEMBERS;
ALTERNATES:

WARREN COUNTY BOARD OF ETHICS

c/o WARREN COUNTY ATTORNEY’S OFFICE
WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

TELEPHONE NO.
(518)761-6463

FAX NO.
(518)761-6377

April 27, 2022

Dear (FDS filer):

This letter informs you that you are a mandatory filer, as provided by Local Law No. 2 of 2022, the Warren County Code of Ethics, and that you failed to file with the Board of Ethics the required annual Financial Disclosure Statement (“FDS”) for the current calendar year. See, Code of Ethics, section 7 (Annual Disclosure). The Code of Ethics requires you to file your FDS no later than January 31st of the current calendar year.

The Board of Ethics directs you to prepare and file your FDS no later than fourteen (14) days after the date of this letter by submitting an original, signed FDS to the County Attorney’s Office.

Your failure to file the FDS within fourteen (14) days will result in your mandatory appearance before the Board of Ethic at their next scheduled meeting on _____, at _____ am/pm. Your continuing failure to correct the failure to file may constitute a violation of the Code of Ethics and may result in a recommendation that discipline be taken against you.

A copy of the FDS is available from the Human Resources webpage of the Warren County website, under “Policies/Union Contracts/Forms.”

We encourage you to remedy this matter without delay.

Very truly yours,

X

Chairperson

ATTACHMENT “C”

**ATTACHMENT “C”:
FIRST NOTICE OF CORRECTIVE ACTION REQUIRED**

MEMBERS;
ALTERNATES:

WARREN COUNTY BOARD OF ETHICS

c/o WARREN COUNTY ATTORNEY’S OFFICE
WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

TELEPHONE NO.
(518)761-6463

FAX NO.
(518)761-6377

April 27, 2022

Dear (FDS filer):

This letter provides you written notice that you are a mandatory filer, as stated by Local Law No. 6 of 2021, the Warren County Code of Ethics, and that a majority of the Board of Ethics determined that the Financial Disclosure Statement (“FDS”) which you filed for the current calendar year was not facially sufficient. See, Warren County Board of Ethics Standing Rules of Procedure (“Standing Rules”), paragraph 3(f). The Standing Rules requires you to take the following mandatory corrective action(s), which are marked below:

_____ 1. The Board of Ethics has returned a copy of your filed FDS and directs you to provide a more complete written response to the following numbered item(s): _____;

_____ 2. The Board of Ethics directs you to file a new and complete FDS which provides written responses to each and every item which requires an answer and to mark any item for which there is no response with “Not Applicable” or “N/A.”;

_____ 3. The Board of Ethics directs you to submit supporting documentation to address the following items on your FDS: _____;

_____ 4. The Board of Ethics requires you to appear before the Board of Ethics on _____, at _____ a.m./p.m., for a session to be held in the Board of Supervisors Room, to answer questions concerning the information contained in your filed FDS.

The above action(s) and updated information must be filed with the Board of Ethics no later than fourteen (14) days after the date this First Notice of Corrective Action Required was issued, as shown above. You are directed to file the required information with the Board of Ethics, in care of the County Attorney’s Office, on or before the mandatory due date.

We encourage you to correct this matter without delay.

Very truly yours,

X
Chairperson

ATTACHMENT “C-1”

**ATTACHMENT “C-1”:
ADDITIONAL NOTICE OF CORRECTIVE ACTION REQUIRED**

MEMBERS;
ALTERNATES:

WARREN COUNTY BOARD OF ETHICS

c/o WARREN COUNTY ATTORNEY’S OFFICE
WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

TELEPHONE NO.
(518)761-6463

FAX NO.
(518)761-6377

April 27, 2022

Dear (FDS filer):

This letter provides you an additional written notification that you are a mandatory filer, as stated by Local Law No. 2 of 2022, the Warren County Code of Ethics, and that a majority of the Board of Ethics determined that the Financial Disclosure Statement (“FDS”) which you filed for the current calendar year was not facially sufficient. The Standing Rules authorized the Board of Ethics to direct you to take mandatory corrective action, which were provided to you in the First Notice of Corrective Action Required. Your FDS for the current calendar year remains facially insufficient and you are again directed to take the corrective action directed by the First Notice of Corrective Action, a copy being enclosed for your reference.

The above action(s) and updated information must be filed with the Board of Ethics no later than fourteen (14) days after the date this Additional Notice of Corrective Action Required was issued, as shown above. You are directed to file the required information with the Board of Ethics, in the care of the County Attorney’s Office, on or before the mandatory due date.

Should you fail or refuse to take the required corrective actions stated above, your failure to file a facially sufficient FDS will be reported to your Department Head and the County Administrator if you are a County employee, and to the Clerk of the Board of Supervisors for publication to the Board of Supervisors, County Administrator, and County Attorney if you are an elected County official.

We encourage you to correct this matter without delay.

Very truly yours,

Chair, X

ATTACHMENT “D”

**ATTACHMENT "D":
REQUEST FOR ETHICS ADVISORY OPINION**

WARREN COUNTY BOARD OF ETHICS

c/o WARREN COUNTY ATTORNEY'S OFFICE
WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

For Internal Use Only:

AO Number: _____

Date Received: _____

REQUESTOR'S INFORMATION:

Name: _____ Phone: _____

Email: _____

Check all that apply to you:

- Current County Employee
- Former County Employee
- Prospective County Employee
- Supervisor for Current/Former/Prospective County Employee
- Other Warren County Public Servant (Explain: _____)

Provide your County Title/Position and Department or Board: _____.

Home Mailing Address for Advisory Opinion (if issued): _____.

I believe the matter involves one or more of the following Code of Ethics Sections (check all that may apply):

- Sec. 5: Use of Municipal Position for Personal or Private Gain
- Sec. 6: Failure to Disclose Interest in Legislation and Other Matters
- Sec. 8: Recusal or Abstention from Decision or Official Action
- Sec. 10: Investments in Conflict with Official Duties
- Sec. 11: Private Employment in Conflict with Official Duties
- Sec. 12: Future Employment
- Sec. 14: Use of Warren County Resources
- Sec. 15: Interests in Contracts
- Sec. 16: Nepotism
- Sec. 17: Political Solicitations
- Sec. 18: Confidential Information
- Sec. 19: Gifts

Detailed Description of Matter for Which Advisory Opinion is Requested:

(attached additional pages if required)

I certify that the matter set forth above is factually accurate and true to the best of my personal knowledge and is a future action I believe will occur which requires an advisory opinion from the Board of Ethics.

Signature: _____ Dated: _____

ATTACHMENT “E”

ATTACHMENT E: ETHIC COMPLAINT FORM

For Internal Use Only:

Date Received:

Complaint Number:

WARREN COUNTY BOARD OF ETHICS

Warren County Municipal Center, c/o Warren County Attorney, 1340 State Route 9, Lake George, NY 12845

Ethics Violation Complaint Form

Instructions:

1. You must complete *all* requested information for your complaint to be considered.
2. Providing incomplete information may result in the complaint being rejected without further action.
3. Every complaint must be sworn to and signed before a notary public or the complaint will be rejected.
4. You must submit an original sworn complaint along with all supporting documentation and information in your possession.

COMPLAINANT'S INFORMATION:

Your Name: _____

Phone Number: _____

Email Address: _____

Mailing Address: _____

ALLEGED ETHICS VIOLATION:

Who is the complaint against and what is their County position? _____

What is your relationship to the person against whom you are filing this complaint? _____

Date/Time/Location of Alleged Violation: _____

I believe this complaint involves the following Code of Ethics Sections (check all that may apply):

- Sec. 5: Use of Municipal Position for Personal or Private Gain
- Sec. 6: Failure to Disclose Interest in Legislation and Other Matters
- Sec. 8: Recusal or Abstention from Decision or Official Action
- Sec. 10: Investments in Conflict with Official Duties
- Sec. 11: Private Employment in Conflict with Official Duties
- Sec. 12: Future Employment
- Sec. 14: Use of Warren County Resources
- Sec. 15: Interests in Contracts
- Sec. 16: Nepotism
- Sec. 17: Political Solicitations

ATTACHMENT “F”

ATTACHMENT F: ANSWER TO NOTICE OF COMPLAINT

Please read statement below and sign before a notary public.

I, _____, being duly sworn, does depose and state that I hereby
(Insert Your Name)

acknowledge that all information stated in this Answer to the Notice of Complaint and any attachments, is true and accurate and based upon my personal knowledge and that I am signing this complaint under the pains and penalties of perjury and with the full understanding that making a false statement herein is punishable as a misdemeanor under section 210.45 of the New York State Penal Law.

Respondent's Signature: _____

Sworn to before me this _____ day
of _____, 202__.

Notary Public-State of New York

ATTACHMENT “G”

EXHIBIT G: NOTICE TO APPEAR

WARREN COUNTY BOARD OF ETHICS

Warren County Municipal Center, c/o Warren County Attorney, 1340 State Route 9, Lake George, NY 12845

NOTICE TO APPEAR

Ethics Complaint No. 202__--__.

IN THE MATTER OF AN ETHICS COMPLAINT AGAINST:

GREETINGS: YOU ARE HEREBY DIRECTED, that all business and excuses be laid aside and that you appear before the Warren County Board of Ethics for an Investigation Hearing at the Warren County Municipal Center, Board of Supervisors Room, 1340 State Route 9, Lake George, New York 12845 on the ___ day of ___, 202__, and that you bring with you the following items and documents at that time and place:

- X
- Y

The general nature of the Board of Ethics investigation is as follows: _____.

PLEASE BE ADVISED that a witness, to include a complainant or respondent, possesses the right to appear with an attorney of your own choice and at your sole expense. Any attorney appearing with a witness will be permitted to observe the proceedings and shall not attempt to participate in the informal hearing conducted by the Board of Ethics. No attorney shall be permitted to address the Board of Ethics on behalf of the witness who appears during the informal hearing, but a witness may consult with their attorney during the informal hearing.

PLEASE ALSO BE ADVISED that the rules and procedures concerning the informal hearing are established by the Warren County Board of Ethics Standing Rules and Procedures, paragraph 5(k), a copy being accessible on the County of Warren website: www.warrencountyny.gov.

SIGNED AND EXECUTED by Chairman, Warren County Board of Ethics, in Lake George, New York on this _____ day of _____, 202__.

X, Chairperson