

TO: Greenburgh Town Supervisor
Greenburgh Town Clerk

CC: Greenburgh Town Council, Timothy W. Lewis, Esq., Joseph A. Danko, Esq.

WAIVER 2017-1 – Joseph A. Danko, Deputy Town Attorney

Background

At a meeting of the Board of Ethics on March 27, 2017, Town Attorney Timothy W. Lewis, Esq. and Deputy Town Attorney Joseph A. Danko, Esq. made a request for a waiver pursuant to Town Code §570-16. The request sought a reduction down to one year of the two-year prohibition provided for in Town Code §570-4(k).

Mr. Danko advised the Board of Ethics that there were a number of tax certiorari matters filed by Huff Wilkes, LLP with whom he was previously employed. Mr. Danko advised that he has refrained from working on any of the Huff Wilkes cases to date. More than one year has passed since Mr. Danko was employed by Huff Wilkes.

Mr. Lewis told the Board of Ethics that Mr. Danko's recusal from the Huff Wilkes matters has created a strain on the resources and personnel of the Town Attorney's office. Mr. Danko's recusal has required that other members of the Town Attorney's office increase their workload to handle these matters.

The Board of Ethics asked if Huff Wilkes had any objection to the request. The matter was adjourned to April 12, 2017, in order to allow Mr. Danko to obtain a letter from Huff Wilkes stating their position on the matter. At the April 12, 2017, meeting Mr. Danko produced a letter dated April 12, 2017, from Huff Wilkes. In the letter David C. Wilkes, Esq. stated that he had no objection to the waiver, saying, "allowing Mr. Danko to engage in such matters is in the best interests of all parties and resources."

Finding

After due deliberation it is the finding of the members of the Board of Ethics that Mr. Lewis and Mr. Danko have properly come before this Board and have met all of the requirements for requesting and obtaining a waiver of the two-year prohibition provided in Town Code §570-4(k).

Recommendation

The Board of Ethics refers this matter to the Town Board pursuant to Town Code §570-16(E) and recommends that the waiver referred to above be granted at the next available meeting of the Town Board.

BY THE BOARD OF ETHICS

Adopted at the April 12, 2017, meeting

Voting For:

Hon. Friedman, Chair

Dr. Hopkins, PhD

Dr. Sarcinella, EdD

Mr. Spinozzi