

To: Mr. Paul Feiner, Greenburgh Town Supervisor

cc: Greenburgh Town Council  
Greenburgh Town Clerk

## **OPINION 2013-4**

### **Background**

Paul Feiner, the Greenburgh Town Supervisor, has requested an Advisory Opinion from the Board of Ethics. Mr. Feiner who serves on the Advisory Board of the Lois Bronz Children's Center (LBCC), a not-for-profit (NFP) organization located within the Town of Greenburgh, has been asked by a member of the Board of Directors of the organization to write a letter to introduce the LBCC to the appropriate community affairs or corporate communications person of a publicly-held corporation domiciled within the Town of Greenburgh. The letter suggested

"Greenburgh has several worthy community organization that require help. I serve as an advisory board member of the Lois Bronz Children's Center, the oldest early childhood education center in Westchester County. The center continually looks to form corporate partnerships to help the children who attend this town jewel. May I have (name of Executive Director or senior staff member) from LBCC call you to explore opportunities?"

### **Opinion**

Although this letter of introduction does not specifically request a gift, it is evident that the goal of the introduction is to obtain financial and/or other material support for the LBCC. The direct or indirect solicitation or acceptance of gifts by Public Officers, employees and Agency members other than for or on behalf of the Town, are prohibited by the Town Code, Section 570-4. However, there are two exceptions as specified in Section 570-4A (3) and Section 570-4A (4).

The part of Section 570-4A (3) of the Code of Ethics which is relevant to this case states "Nothing in 570-4 shall prohibit soliciting or accepting gifts or donations for fundraisers for the benefit of Internal Revenue Service Section 501(c) (3) organizations, provided that a Public Officer cannot solicit any such gift from an Employee. ..." Therefore, under the above circumstances, the Town Code does not prohibit the solicitation of funds for a 501(c) (3) organization. However, Section 570-1 of the Code states in relevant part that "Public Officers, Employees and Agency Members avoid even the appearance of impropriety as set forth in this Chapter". The Board of Ethics is concerned that the suggested letter of introduction not give rise to the appearance of impropriety or the expectation by the corporation of undue influence with the Town in the exercise of its discretionary regulatory powers including but not necessarily limited to those dealing with land use, the issuance of certain permits and licenses, and the approval of contracts and applications.

As a condition for sending the suggested letter the Supervisor should determine whether there have been any recent or are any pending material regulatory matters in which the corporation may have an interest which would be of concern in this regard. The letter should be on the Supervisor's personal stationary, not on Town of Greenburgh stationary.

BY THE BOARD OF ETHICS  
*Adopted at October 30, 2013 Meeting*

Voting for:  
Mr. Constantine  
Mr. Eisen  
Dr. Hopkins, PhD  
Mr. McLaughlin

Not present:  
Mr. Scott

