

TO: Greenburgh Town Supervisor
Greenburgh Town Clerk

CC: Greenburgh Town Council

OPINION 2014-4

Background

This Advisory Opinion addresses an email received from Town Supervisor Paul Feiner dated April 14, 2014. Mr. Feiner asked whether it is permissible under the Town's ethics laws to share information on the Town e-list about a fundraiser for a veteran's event which is scheduled to take place on June 6, 2014. The Board of Ethics determined that the request was time sensitive and on April 18, 2014 issued an accelerated advisory opinion in advance of this formal opinion.

Opinion

Section 570-4 A regulates the solicitation and acceptance of gifts by public officers, employees and agency members on town property. In general, the solicitation or acceptance of gifts, other than for or on behalf of the Town, is prohibited. However, there are two exceptions as specified in Section 570-4A (3) and Section 570-4A (4). The relevant section in this case is Section 570-4A (3). The relevant part of Section 570-4A (3) of the Code of Ethics 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;" The material in question indicates that The Hope for the Warriors and the Disabled American Veterans, Department of New York are 501(c) (3) organizations. It is the opinion of the Board of Ethics that the distribution of information on the fundraiser for the Golf Event by use of the e-list would not constitute a violation of the Greenburgh Code of Ethics so long as any Town employees on the e-list are deleted for the purpose of the communication.

Concluding Comments

The representative of the Disabled American Veterans also asked Mr. Feiner to place the event material on the Town website. Although Mr. Feiner did not ask the Board of Ethics for an opinion regarding such placement, the following citation from New York State General Municipal Law may be of interest to Mr. Feiner and other Town officials. The Board of Ethics is neither advocating for or against the adoption of the local law mentioned therein.

General Municipal Law

§ 99-v. Veterans affairs; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state division of veterans' affairs, the county veterans service agency or city veterans service

agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

The Board of Ethics believes that a Website bulletin board would meet the definition of bulletin board under Sec 99-v. However, it is recommended that the Town Board ask Town Counsel to research the issue.

BY THE BOARD OF ETHICS

Adopted at May 12, 2014 Meeting

Voting for:

Ms. Friedman, Esq.
Mr. Hopkins, PhD
Mr. McLaughlin
Mr. Eisen