

To: Chief John A. Kapica

cc: Greenburgh Town Board  
Greenburgh Town Clerk  
Greenburgh Deputy Commissioner of Public Works  
Greenburgh Town Attorney  
Mr. Gerard P. Tenner

**OPINION 2009-1**

On March 9, 2009, The Greenburgh Police Chief, requested an advisory opinion from the Board of Ethics as to whether a conflict with his official duties exists for Mr. Gerard P. Tenner under the Town Code of Ethics Chapter 570 Section 4 I. Mr. Tenner supervises the Highway Garage within the Department of Public Works. Employees in the Highway Garage inspect taxis for the Town. Mr. Tenner is also one of the two principals of a taxi company which is licensed by and operates in the Town of Greenburgh.

Subsequent to the request for opinion, it is our understanding that the Department of Public Works transferred responsibility for taxi inspections to an individual who is not supervised by Mr. Tenner at any level. We also understand that, as a permanent solution, the Greenburgh Police Chief agreed to pursue legislation with the Town Board which would transfer responsibility for taxi inspections to the Greenburgh Police Department

*Opinion*

Section 4 I of the Code of Ethics provides that "no public officer, employee or agency member shall invest or hold any interest, directly or indirectly, in any financial business or commercial or private transaction which creates a conflict with or reasonably may create a conflict with or impairs or reasonably may impair the proper discharge of her/his official duties".

As long as Mr. Tenner and employees under his supervision do not have any responsibility for taxi inspections, the Board of Ethics finds that there is no issue of a violation of Section 4 I with respect to his ownership of a taxi company operating in Greenburgh. The Board of Ethics also finds that, under the changed circumstances, the request for an advisory opinion based on the original situation is now moot.

BY THE BOARD OF ETHICS

*Adopted at May 19, 2009 Meeting*

Voting for: Mr. McLaughlin

Mr. Rivera

Mr. Scott

Mr. Sigal