

To: Ms. Patricia L. Weems
cc: Greenburgh Town Board
Greenburgh Town Clerk

OPINION 2010-1

Background

On December 1, 2008, Patricia L. Weems, a resident of the Town of Greenburgh, submitted a Verified Complaint ("Complaint") to the Board of Ethics pursuant to the "citizen complaint" procedure authorized by Section 11D(3) of the Code of Ethics adopted July 27, 2007. The complaint incorporated letters to the Board of Ethics dated August 1, October 15 and October 31, 2008. The Complaint was verified as required by the statute.

The crux of the Complaint concerned the process for hiring and qualifications of a Staff Assistant / Activity Supervisor at the Fairview-Greenburgh Theodore Young Community Center (F/G-TDY CC) and the hiring of the brother of the staff assistant as a summer-seasonal, full time employee at F/G-TDY CC. It claimed that both of these individuals had full-time positions elsewhere. The complaint also stated that Supervisor Feiner authorized free summer camp for Town Commissioners and the Town Clerk without the approval of Town Council members.

The Greenburgh Police Department investigated one or more of the allegations contained in the Complaint for possible violations of criminal law. Upon the conclusion of the Police investigation, the Board of Ethics addressed the Complaint.

Opinion

The Board of Ethics of the Town of Greenburgh conducted a preliminary review of the Complaint and did not find any apparent violation of the Town Code of Ethics. Section 6 (a)(2) of the Internal Rules of the Board of Ethics provides that unless the complaint implicate(s) one or more sections of the Town Code of Ethics or, by reference, of Article 18 of New York State Municipal Law, there may not be good cause to proceed. On November 2, 2009, the complainant was asked to identify the section or sections of the Code of Ethics which she believes may have been violated. Complainant did not do so. Since neither the Board of Ethics nor the complainant have been able to identify any section of the Code of Ethics potentially implicated, the Board of Ethics has determined to dismiss the complaint under Section 5(c)(3) of its Internal Rules and Procedures..

In arriving at this opinion, the Board of Ethics did not address the question of whether or not the actions specified in the complaint were advisable from the viewpoint of good management or good public policy.

BY THE BOARD OF ETHICS
Adopted at January 20, 2010 Meeting

Voting For: Mr. McLaughlin
Mr. Rivera
Mr. Sigal

Not Deliberating: Mr. Scott
Mr. Scott had recused himself from
deliberations on this complaint