

TO: Mr. David Fried, Deputy Town Attorney
Mr. Paul Feiner, Greenburgh Town Supervisor

CC: Greenburgh Town Council
Greenburgh Town Clerk

Opinion 2020-5

Re: The Matter of the Citizen's complaint brought by
Murray Bodin against Francis Sheehan, Town Councilman

History

On June 26, 2020 the Board of Ethics (BOE) received a Citizen's complaint dated June 26, 2020 from the Town Clerk's office. The complaint was brought by Murray Bodin a resident of the Town against Francis Sheehan a Town Councilman. Mr. Bodin used the Code of Ethics complaint form which was not duly notarized but filed with the Town Clerk as required by the Code.

On June 26, 2020, Mr. Spinozzi, the Chairman of the BOE, sent an email to Mr. Bodin acknowledging receipt of the complaint and advising him that it will be on the agenda for the July 23, 2020 meeting.

On July 2, 2020, Mr. Spinozzi sent an email to Frances Sheehan forwarding a copy of the complaint and advising that it would be on the agenda for the July 23, 2020 meeting.

On July 17, 2020, Mr. Spinozzi, acting on behalf of the BOE, contacted Mr. Bodin requesting more information about what his complaint is alleging.

On July 17, 2020, the BOE received an email from Mr. Bodin stating that: "*Sheehan hounded Thomas Madden, former Greenburgh Planning Commissioner out of Greenburgh.*" No further allegations or facts about this accusation were included in the email other than a reference to an unnamed Greenburgh employee as his source.

On July 23, 2020, the BOE received an email forwarded by the Town Attorney's office from Mr. Bodin. In this email Mr. Bodin claims that Mr. Sheehan took videos of the Antenna Review Board meetings and then at some point he stopped taking them and his son took over. He then went on to say: "*I have been told that those videos were Greenburgh Town property. I have asked to see them and no one know where they are. It is the responsibility of this Board to find out why the Town does not have possession of those videos.*" The Board Mr. Bodin makes reference to is unclear since the email was sent to the Town Attorney's office and not directly or by copy to the BOE or the Town Board.

At the July 23, 2020 meeting, the BOE decided to communicate once again with Mr. Bodin for clarification of his complaint.

On July 24, 2020, Mr. Spinozzi, on behalf of the BOE, sent an email to Mr. Bodin asking for a specific citation of the section of the code of ethics he believes were violated by Mr. Sheehan and the relevant facts supporting his complaint.

On July 24, 2020 the BOE received a response from Mr. Bodin. He stated as follows:

"I add the following to my complaint re: Sheehan

A number of years ago I was a member of the Antenna Review Board as was Francis Sheehan.

Sheehan took videos of the meetings. At some point Sheehan stopped taking videos and his son took videos of the meetings.

I have been told that those videos were Greenburgh Town property. I have asked to see them and no one know where they are. Sheehan was ethically responsible for giving those videos to the Town. I have been told he did not. There are others who can legally verify this information. Paul Feiner told me he is aware that Sheehan took videos of Antenna Board meetings.

It was not clear that the agenda was changed as the heading was the same on both different agendas. If an agenda is revised it must say so and it would help the public to indicate what changes were made. This is done routinely in Building Department plans.

I recognize my ability to form concepts, words and sentences is not as good as it should be. Please correct any items that may be incorrect."

At the September 24, 2020 meeting, the Chairman asked Mr. Bodin if he had anything further to add to his complaint. Mr. Bodin had nothing new to submit.

Mr. Sheehan was given the opportunity to comment on the complaint against him. Mr. Sheehan noted that the videos referenced by Mr. Bodin were taken in 2002. He also noted that Mr. Bodin has failed to specifically allege what code sections he is being accused of violating.

Town Code of Ethics

§570-11(D) authorizes this BOE to *"render findings, conclusions, opinions...upon: (3) The receipt of a verified complaint by any resident of the Town...that the information alleged in such complaint... shall specify the specific section or sections asserted to be violated and shall set forth a brief statement for each section listed of why the information alleged in the complaint violated such section."*

Opinion

It is the practice of this Board to extend as much leeway to a town resident as possible with regard to the requirements of a properly submitted complaint. In this matter Mr. Bodin was given numerous opportunities to meet the requirements set forth above. Both in writing and verbally at meetings, Mr. Bodin was asked to provide the sections of the code he believes were violated and the facts to support those allegations. In his complaint, Mr. Bodin in §3 where asked to identify the sections of the code that relate to his complaint stated: *"I read the rules but I am not a Lawyer and cannot find the correct Section."* In §2, where asked to provide a description of the violation, he states: *"Functioning as a Town Employee when he says he is the Board Zoom person in charge of Zoom meetings"*

Mr. Sheehan the respondent in this matter is entitled to know exactly what it is he is alleged to have done and how those actions amount to a violation of the code of ethics.

It is the finding of this BOE that Mr. Bodin has failed to meet his burden on both counts. Mr. Bodin's complaint and his responses to the BOE requests do not meet the most minimum requirements of the Code, and as such his complaint is hereby dismissed.

BY THE BOARD OF ETHICS

Adopted at October 15, 2020 meeting

Voting for:

Mr. Spinozzi, Chairman

Ms. Holand, Secretary

Mr. Hays

Hon. Doris Friedman