



**CITY OF SARATOGA SPRINGS
BOARD OF ETHICS**

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December 22, 2021

This is a summary of a full decision by the Board issued on the same day hereof. The Board received an inquiry on or about November 19, 2021, expressing an "ongoing concern" and suggesting a city official used an office in an "ethically questionable" manner regarding delivering benefits to a local school.

Following a thorough review of the inquiry, the Board concludes there is no reasonable cause for believing the city official violated the City Ethics Code.

During our review and investigation, the Board undertook the following, among other things:

1. Review and discussion of the inquiry at a regularly scheduled meeting of the full Board, including legal counsel DeLeonardis, on December 8, 2021.
2. Review and discussion of the inquiry at a Special Board meeting of the full board, including legal counsel DeLeonardis, on December 15, 2021.
3. Heard oral testimony and reviewed multiple written statements.

The inquiring party alleges three instances of misconduct: i) favoring students from a local school for an award for artwork involving a Juneteenth celebration; ii) favoring students from a local school for an "internship"; and iii) alleging improper influence over a \$200,000 award to the local school from a charity. It is suggested the City official favored this school because the official became employed in a part-time capacity at this school (such employment is permissible and not uncommon for City officials).

The first two allegations approach frivolous. The Board is unaware of any City policy regarding posting of art, delivering non-monetary certificates and/or giving tours to schoolchildren. Because this specific conduct was not sufficiently publicized to others nor offered to all children everywhere at every moment does not indicate a violation of the Ethics Code. There is no policy on this subject matter, nor does this conduct strike the Board as being anything noteworthy.

The third allegation appears more worthy of consideration. We find this allegation to be unsupported and contradicted by the facts. Our analysis did not find the subject party used the City position for any "personal financial benefit", as set forth under code section 13-3: Standards of conduct: A. General prohibition. Nor did we find the subject party received any "gift" to exercise discretion in an official capacity, as set forth under code section 13-3: Standards of conduct: C. Gifts. Among other facts, the Board found there was sufficient separation of authority with process in between the deciding body and any conversation had by the City official. Also, the initial conversation by the City official was made to a City employee as a member of a three person advisory board (not the decision making board), mitigating influence the City employee held over any decision to award. The Board found the facts do not support the allegations within the inquiry.

With unanimous approval of the Board,
Brendan Chudy, Chairman