

Chapter 12. Ethics, Code of

[HISTORY: Derived from Art. IV of Ch. VIII the Charter and Ordinances, 1974, of the City of Buffalo. Amendments noted where applicable.]

Article I. General Provisions

§ 12-1. Legislative intent.

This Code of Ethics is enacted to:

- A. Establish high standards of ethical conduct for City officers and employees.
- B. Afford City officers and employees clear guidance in conforming to such standards.
- C. Promote public confidence in the integrity of City government.
- D. Require public disclosure of financial interests that may influence or be perceived as influencing actions of City officers and employees.
- E. Facilitate consideration of potential ethical problems before they arise.
- F. Minimize unwarranted suspicion.
- G. Enhance accountability of government to the people it serves.
- H. Provide for fair and effective administration of this code.

§ 12-2. Applicability.

[Amended 12-27-1994, effective 1-9-1995; 4-30-1996, effective 5-13-1996]

The requirements of this code shall not replace but shall be in addition to all other legal requirements pertaining to the conduct of City officers and employees. Every provision of this code, except as expressly limited herein, shall apply to every officer and employee of the City, whether paid or unpaid. It shall also apply to members, directors, officers and employees of any not-for-profit corporation if a majority of such corporation's members or directors serve by reason of their City positions or if a majority of such corporation's officers or directors are appointed by one or more City officers or bodies, to City Development Agencies, as defined in § 6-21 of the Code of the City of Buffalo, such as the Buffalo Urban Renewal Agency, the Buffalo Neighborhood Revitalization Corporation or the Buffalo Enterprise Development Corporation and Downtown Development, Inc. Any such not-for-profit corporation shall be deemed to be a City agency for the purpose of this code. The members, directors, officers and employees of any such corporation shall be deemed to be

City officers or employees for the purposes of this code. It shall also apply to any person who is a member of a City board, agency, commission, council or body, whether paid or unpaid, as well as to personal service/consultant contractors of City Development Agencies defined above. This code shall not apply to officers or employees of the City Court of Buffalo, the Buffalo Sewer Authority or the Buffalo Municipal Housing Authority, unless adopted by their respective governing bodies. This Code of Ethics shall constitute the comparable Code of Ethics for purposes of § 6-24 of the Code of the City of Buffalo. The Board of Ethics shall have discretion to grant a temporary exception to the provisions of this chapter for any officer, employee, person, board, commission or agency to which this chapter applies.

§ 12-3. Annual disclosure statement required.

[Amended 12-26-1990, effective 12-27-1990; 12-27-1994, effective 1-9-1995; 7-21-1998, effective 8-6-1998]

- A. Every City officer or employee and every other person, whether paid or unpaid, who holds an elective office; is a member of a policy-making City administrative board, agency, commission, council or body as annually determined by the appointing authority for that entity; is in the unclassified service or in the exempt class of civil service; or is authorized in the usual course of his or her duties to exercise a substantial degree of discretion in financial or regulatory transactions with private entities, including the negotiation, authorization or approval of contracts, the purchase, sale or rental of real property, goods or services, the obtaining of grants, money or loans or the adoption or repeal of any rule or regulation having the force and effect of law, shall file an annual disclosure statement:
- (1) Within 30 days after taking office.
 - (2) No later than January 30 each year.
 - (3) Within 30 days after any change in the status of the matters subject to disclosure.
- B. "Policy-making" herein means that a body, in its usual course of its duties, definitively decides or implements policy on behalf of the City, beyond advising other entities to act, without the requirement of formal, final action of another entity. Policy-making includes (but is not limited to) the exercise of a substantial degree of discretion in financial or regulatory transactions with private entities that would be binding upon the City; the negotiation, authorization or approval of contracts where the City is a party and that body is negotiating, authorizing or approving on behalf of the City; the purchase, sale or rental of real property, goods or services for the City; the obtaining of grants, money or loans for the City; or the adoption or repeal of any City rule or regulation having the force and effect of law. Policy-making does not include a body advising another entity as to budgets or funding levels to be appropriated by that other entity.
- C. City boards, agencies, commissions, councils or bodies that are merely advisory, as determined annually by the appointing authority for that entity, are excluded from the requirements of this section.

§ 12-4. Contents of annual disclosure statement.

[Amended 12-26-1990, effective 12-27-1990; 5-11-1993, effective 5-24-1993; 12-27-1994, effective 1-9-1995; 12-15-1998, effective 12-16-1998]

- A. The annual statement of financial disclosure shall contain the information and shall be in the form set forth below; provided, however, that the final form of the annual disclosure statement may be amended from time to time by the Board of Ethics in order to comply with the intent of this chapter and applicable law.

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR
THE CITY OF BUFFALO, NEW YORK
FOR**

City Position(s)

Board(s) and/or Committee(s)

Paid Unpaid

If the answer to any of the following questions is "none," please so indicate. "Close relative" means your spouse, child, stepchild, brother, sister, parent or a person you claimed as a dependent on your latest state or federal income tax return.

1. Name and Address

Last Name

First Name

Middle Initial

Title

Department or Agency

Department or Agency Address

Telephone No.

Residence Address

Telephone No.

2. Spouse and Children

Please provide the name of your spouse (if married) and the names of any dependent children:

Spouse

Child/Age

Child/Age

Child/Age

3. Interest in Contracts

Describe any interest of you or a close relative in any contract involving the City or any municipal corporation located within the City of Buffalo.

Name of Family Member

Contract Description

4. Political Parties

List any position you held within the last five years as an officer of any political committee or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

5. Gifts and Honorariums

List the source of all gifts received in the past year from the same or affiliated source aggregating in excess of \$100.00 received during the last year by you or a close relative, from any person or organization having had a regulatory or financial relationship with the City within the past two years or expected to have such a relationship within the next two years, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, services, payments to third parties on your behalf, loans, forgiveness of debt, honorariums, travel, entertainment, hospitality, tickets and any financial transaction on terms not available to the general public. The term "gifts" shall not include normal hospitality or promotional materials received within the past year if such hospitality or materials which, when aggregated by source, do not exceed \$100.00 in value and are not received in circumstances in which it might reasonably be inferred that they were given with the intention to influence or reward you in relation to the performance of your duties.

6. Real Estate

List the address of each piece of property you or a close relative own or have a financial interest in (including an interest through a family trust or business organization). List only real estate that is in the City of Buffalo or within five miles of the boundary of the City of Buffalo.

Name of Family Member	Relationship to You	Address of Real Estate	Type of Investment
<u>(E.g.: John Jones)</u>	<u>Father</u>	<u>1 Main Street, Buffalo</u>	<u>Owns)</u>

7. Your Employment or Business

List the name of any employer or business from which you receive compensation for services rendered or goods sold or produced or of which you are a member, officer or employee. It is not necessary to disclose the name(s) of your employer's or business's clients and/or customers.

Name of Employer or Business	Nature of Business	Type of Business	Your Relationship
<u>(E.g.: Monument Realty)</u>	<u>Real Estate Agency</u>	<u>Partnership</u>	<u>Employee)</u>

8. Your Spouse's Employment or Business

List the information in Question 7 for your spouse

Name of Employer or Business	Nature of Business	Type of Business	Spouse's Relationship
<u>(E.g.: Pottery Ltd.)</u>	<u>Pottery Manufacturer</u>	<u>Corporation</u>	<u>Treasurer)</u>

9. Investments

List your interest or any close relative in an entity which has had financial or regulatory activity with either the City or City Development Agency within the last two years or is expected to have such activity within the next two years, except for a publicly traded business organization of which you own less than 5% of the outstanding stock or

ownership interest. It is not necessary to disclose personal savings accounts and retirement accounts.

Name of Family Member	Relationship to You	Name of Business Entity	Involvement with City
(E.g.: John Jones)	Father	Acme Corp.	Supply contractor)

Signature

Date

After completion, remove the original of this statement (if applicable, the Transaction Disclosure Statement) from the disclosure booklet, make and retain a copy for your records, and place the original and receipt form in the envelope provided marked "Confidential," and return to the City Clerk on or before the due date. If mailed, an acknowledgment of receipt will be sent to you for your records. If you hand deliver the statement, request a date and time stamped receipt. Please keep this booklet, the copy of your completed statement and receipt for your records.

B. In addition to the annual statement of financial disclosure provided in Subsection A above, the annual statement of financial disclosure for City officers or employees described in § 12-3 of this chapter shall contain the additional information and shall be in the form set forth below; provided, however, that the final form of this annual disclosure statement may be amended from time to time by the Board of Ethics in order to comply with the intent of this chapter and applicable law.

10. Other Financial Interests

a. Outside employment. Describe any outside occupation, employment, trade, business or profession providing more than \$1,000 per year for you or a close relative, if any, and indicate whether such activities are regulated by any state or local agency.

Name of Family Member	Position	Name, Address and Description of Organization	State or Local Agency
-----------------------	----------	---	-----------------------

b. Future employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your City office or position.

c. Past employment. Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit-sharing plan, severance pay or payments under a buy-out agreement.

Name and Address of Income Source	Description of (i.e., pension, deferred, etc.)
-----------------------------------	--

11. Third-Party Reimbursements

Identify and describe the source of any third-party payment or reimbursement for City of Buffalo travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the City for speaking engagements, conferences or fact-finding events that relate to your official duties.

Source	Description
--------	-------------

12. Loans and debts

Describe all loans and debts of you or a close relative in excess of \$5,000 (excluding retail accommodations such as primary mortgages, home equity loans, charge accounts, lines of credit and credit cards extended in the normal course of business which are ordinarily available to the general public by financial institutions (for example, banks) and/or merchants and which are not extended in circumstances in which it might be reasonably inferred that they were extended with the intention to influence or reward you in relation to the performance of your duties):

Name of Family Member

Name and Address of Creditor

Signature

Date

§ 12-5. Transactional disclosure statement required.

[Amended 12-26-1990, effective 12-27-1990]

- A. Private interests. A City officer or employee shall, before taking, advising or participating in any official discretionary action affecting his or her known private interest or the private interest of a related party, file a statement disclosing such interest and defining the proposed action. For the purposes of this code, a "related party" includes a spouse, child, parent, brother or sister of the City officer or employee and a party with whom the City officer or employee or his or her spouse, child, parent, brother or sister has or intends to enter into an employment, professional, business or financial relationship.
- B. Professional or business transactions. If a City officer or employee wishes to enter into an employment, professional, business or financial transaction, other than a normal retail purchase or credit transaction on the same terms as are available to the general public, with another party and such other party has pending or is known by such City officer or employee to be considering or has had pending within the prior 12 months any financial or regulatory matter with a City agency and the City officer or employee or a subordinate officer or employee has participated in or is authorized to participate in any official discretionary action affecting such matter, the City officer or employee shall file a statement disclosing such transaction and disclosing the nature of his or her participation in such action prior to entering into such transaction. If a City officer or employee learns that a related party proposed to enter or has entered into such a transaction, then he or she shall promptly file such a statement.

§ 12-6. Filing of disclosure statements.

[Amended 12-26-1990, effective 12-27-1990]

Every person required to file an annual or transactional disclosure statement shall file it with the Board of Ethics within the time allowed by this code. Such statements shall be matters of public record, except the categories of value or amount or any other information which the Board of Ethics declares to be confidential, and shall be indexed and maintained on file in an appropriate manner by the Board of Ethics. The Board of Ethics may grant exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship.

§ 12-7. Responsibilities of heads of departments, agencies and boards.

It shall be the responsibility of the head of every City department, agency and board to:

- A. Identify and compile a list of the persons employed in such department or agency or serving on such board who are required to file annual disclosure statements.
- B. Notify such persons, in writing, of this requirement and transmit to the Board of Ethics a copy of such list prior to January 10 of each year.
- C. Assure that required annual and transactional disclosure statements are properly filed by City officers, employees or board members.
- D. Review annual and transactional disclosure statements and take such action as may be appropriate to assure compliance with this code and Article 18 of the General Municipal Law.

§ 12-8. Disclosure of interest by Council member; abstention from action.

When a member of the Common Council must take official action on a matter in which the member has a substantial personal economic interest, which interest is distinct from that of the general community, the member's constituents or a substantial class of the general community or the member's constituents, he or she either shall divest himself or herself of that interest or shall publicly disclose the nature and extent of such interest in writing to the Council. The member may abstain from participating in such action upon consideration of any possible inference of impropriety and the affirmative public need for his or her participation in the action under consideration. The Council member's decision in that regard shall be conclusive. Having made fair disclosure, the member's decision not to abstain shall not be deemed unethical.

§ 12-9. § 12-9. Applicant disclosure.

[Added 12-15-1998, effective 12-16-1998]

- A. Where a person requests the City or a City officer, official or employee to take or fail to take any action (other than a ministerial act) that may result in a financial benefit both to the requester and to either any officer, official or employee of the City, the requester shall disclose the names of any such persons, to the extent known to the requester at the time of the request.
- B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in writing filed with the City Clerk.

[1] *Editor's Note: Former § 12-9, Campaign financial statements required, was repealed 5-25-1993, effective 6-7-1993.*

§ 12-10. Representation before City agency.

No City officer or employee shall receive or enter into any agreement, whether expressed or implied, for compensation for services to be rendered in relation to any matter before any City agency; provided, however, that this section shall not be applicable if the City officer or employee does not receive compensation by reason of his City position and the matter is not before his or her own agency.

§ 12-11. Gifts and financial benefit.

[Amended 7-21-1998, effective 8-6-1998]

- A. No City officer or employee shall directly or indirectly solicit, accept or receive any gift or financial benefit from or on behalf of any person or organization that has pending or is known by such City officer or employee to be considering or has had pending within the prior 12 months any financial or regulatory transaction with any City agency in which he or she serves or over which he or she has any jurisdiction or appointing power. For purposes of this code, a "gift or financial benefit" shall include money, service, loan, travel, entertainment, hospitality or any financial transaction on terms not available to the general public but shall not include normal hospitality or promotional materials if such hospitality or materials do not exceed \$100 in value and are not received in circumstances in which it might reasonably be inferred that they were given with intention to influence or reward them in relation to the performance of their duties.
- B. For purposes of this code, a City officer's or employee's acceptance of travel and travel-related expenses from or on behalf of any person or organization that has pending or is known by such City officer or employee to be considering or has had pending within the prior 12 months can be considered a gift to the City of Buffalo rather than to the City officer or employee when:
- (1) The travel is for a City purpose and therefore could properly be paid for with City funds;
 - (2) The travel arrangements are appropriate to that purpose; and
 - (3) The travel is no longer than reasonably necessary to accomplish the business which is its purpose.
- C. To avoid an appearance of impropriety, advanced notice of such travel, including itinerary and a proposed travel budget, should be submitted to the Board of Ethics for review, when practicable. Following the conclusion of the trip, the official should report to the Board of Ethics the itinerary and actual travel disbursements and payments or reimbursements of expenses.

§ 12-12. Future employment.

No City officer or employee shall solicit, negotiate for or promise to accept employment by any person, firm or corporation with which he or she or his or her agency is engaged on behalf of the City in the transaction of business or which is or may be affected by his or her official action.

§ 12-13. Appearance or compensation after termination of service.

No City officer or employee shall, after the termination of service or employment with such municipality, appear before any agency of the City or receive compensation for services in relation to any specific case, proceeding, application or matter before a City agency or against the City's interest in which he or she personally participated in the course of his or her service or employment.

§ 12-14. Abuse of position.

No City officer or employee shall accept any employment, enter into any transaction or acquire any investment under circumstances in which any impression may reasonably be created that he or she will be influenced thereby in the conduct of his or her duties. No City officer or employee shall use or attempt to use his or her official position to secure unwarranted benefits, privileges or exemptions for himself or herself or for others.

§ 12-15. Report of attempt to influence.

Every City officer or employee shall report to the Board of Ethics any action which may reasonably be interpreted as an improper attempt to influence the performance of his or her duties.

§ 12-16. Civil penalties for offenses.

[Amended 12-26-1990, effective 12-27-1990]

A City officer or employee who shall violate any of the provisions of this code shall be subject to a civil fine of up to \$10,000 for each violation, as may be determined by the Board of Ethics in accordance with procedures as set forth herein. Such board officer or employee may also be subject to warning, reprimand, suspension or termination of employment as may be determined in accordance with law.

§ 12-17. Reservation of right.

Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former City officer or employee of any claim, account, demand or suit against the City or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 12-18. Distribution of provisions.

The Mayor shall cause a copy of this code to be compiled with Article 18 of the New York General Municipal Law and such other material he or she shall deem relevant. He or she shall cause a copy of such compilation to be distributed to every officer and employee of the City within 30 days of the adoption of this code or as soon thereafter as may be practicable.

Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within 10 days after entering upon the duties of his or her position.

Article II. Board of Ethics

§ 12-19. Establishment.

[Amended 12-26-1990, effective 12-27-1990]

The Board of Ethics shall have seven members, one of whom shall be the City Clerk and one of whom shall be the Corporation Counsel, both of whom shall serve ex officio and possess full voting rights. The remaining five members shall be appointed by the Mayor upon nomination by the nominating committee for the Board of Ethics and subject to confirmation by the Common Council. The Mayor shall forward his selections to the Council within 45 days of the receipt of nominations. In the event that the Mayor fails to act within the forty-five-day period, the Council shall act on the nominations as if they had been submitted to the Council by the Mayor. If the Council has not disapproved an appointment within 45 days after receipt of notice of appointment by the Mayor, the appointment shall be deemed confirmed. In the event that the Mayor or Council shall disapprove a nominee, the nominating committee shall nominate another person. No elected City officer shall be eligible to serve on the Board. For the first Board appointed under this provision, the nominating committee shall nominate one member each for terms expiring respectively at the end of that and each of the following years. Thereafter, a member shall be appointed for a five-year term. In the event of any other vacancy, a member shall be appointed for the balance of such term. At its first meeting each year, the Board shall elect its own Chair for that year.

§ 12-20. Nominating committee.

The nominating committee for the Board of Ethics shall consist of five members. The Mayor, Comptroller, President of the Common Council, Chief Judge of the Buffalo City Court and Dean of the Law School of the State University at Buffalo shall each appoint one member of the nominating committee, to serve at his or her pleasure. The member appointed by the Dean of the Law School shall serve as Chair of the committee. The nominating committee shall submit its nomination to fill a full term no later than the 20th day of January each year and no later than 30 days after the creation of any midterm vacancy.

§ 12-21. Powers and duties.

[Amended 12-26-1990, effective 12-27-1990]

The responsibilities of the Board of Ethics shall be:

- A. To render advisory opinions to City officers and employees.
- B. To recommend to the Mayor and Common Council amendments to this Code of Ethics.
- C. To oversee the filing of financial disclosure statements and to review such statements.
- D. To review and refer to appropriate authorities complaints charging City officers or employees with violation of this code on its own initiative or on complaint of any person.

- E. In its discretion, to recommend appropriate disciplinary action.
- F. In its discretion, to assess a civil fine, not to exceed \$10,000, upon an officer or employee found guilty of violation of this code.
- G. To promulgate rules and regulations of the same import as those which the Temporary State Commission on Local Government Ethics enjoys under § 813 of the General Municipal Law.
- H. In its discretion, to grant exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship. Any such exception shall provide a date beyond which no further extension of time will be granted.
- I. To permit any person required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information which would otherwise be available for public inspection, but which the Board of Ethics determines will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board of Ethics in its notification of denial shall inform the person of his or her right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.
- J. To permit a person to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted upon a finding by the Board of Ethics that such spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be recorded will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Board of Ethics in its notification of denial shall inform the person of his or her right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.

§ 12-22. Advisory opinions.

Upon the written request of a City officer or employee, the Board shall render to such officer or employee an opinion as to the application of this code to activity or proposed activity by such officer or employee or by a person within the supervisory responsibility of such officer or employee, as such activity is described in the request. Such opinion shall constitute a defense to any charge of violation of this code, but not of any other applicable standard of conduct, by reason of activity described in the request and performed in compliance with the opinion. To the extent that it can do so without disclosing the identity of the person who has requested or is the subject of the opinion and subject to such deletions as may be necessary to avoid disclosing such identity, the Board shall make its opinions a matter of public record.

§ 12-23. Review of disclosure statements; notification of requirement.

[Amended 12-26-1990, effective 12-27-1990]

- A. The Board shall provide forms for annual and transactional disclosure statements. No later than January 20 of each year, the Board shall review the lists prepared by the

heads of City departments, agencies and boards of officers and employees required to file annual disclosure statements. After consultation with the head of the department, agency or board, the Board may add to any such list the name of any officer or employee whom the Board may determine is required to file an annual disclosure statement. No later than February 28 of each year, the Board shall review all general disclosure statements filed for that year. Within 30 days after the filing of any transactional disclosure statement, the Board shall review such statement.

- B. If a person required to file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Board of Ethics shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of delinquency to the reporting person and, in the case of a local officer or employee, to the appointing authority for such person.

§ 12-24. Review of complaints.

[Amended 12-26-1990, effective 12-27-1990]

- A. If a reporting person has filed a statement which reveals a possible violation of this Code of Ethics or the Board of Ethics receives a written complaint alleging such a violation or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board shall notify the reporting person in writing, describe the possible or alleged violation of the Code of Ethics and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activity cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board of Ethics shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.
- B. If the Board of Ethics determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause to the reporting person; to the complainant, if any; and, in the case of a local officer or employee, to the appointing authority for such person. Upon a finding of reasonable cause, the Board may initiate a hearing in accordance with § 12-25 of this Code of Ethics or may refer the matter to an appropriate officer or agency of the City for such further consideration or action as that officer or agency may deem appropriate.
- C. The Board is authorized to issue subpoenas pursuant to Article 23 of the New York Civil Practice Law and Rules. The Board shall complete its preliminary review within 90 days after receipt of a complaint or institution by the Board of a preliminary review, except to the extent delayed by circumstances beyond the control of the Board.
- D. The jurisdiction of the Board shall continue notwithstanding that an officer or employee separates from the service of the City or a City agency to which this Code of Ethics is applicable, provided that the Board notifies such individual of the alleged violation of law

pursuant to Subsection A of this section within one year from his or her separation from such service. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of § 12-13 of this Code of Ethics.
[Added 5-27-2014]

§ 12-25. Recommendation of disciplinary action.

After a hearing in accordance with Article 3 of the New York State Administrative Procedure Act and subject to § 75 of the New York Civil Service Law and any applicable collective bargaining agreement, the Board may recommend appropriate disciplinary action, which may include suspension or termination of employment, to the officer or body authorized to impose such sanctions upon an officer or employee found guilty of violation of this code. The Board shall conduct and complete the hearing with reasonable promptness.

§ 12-26. Assessment of penalty.

[Amended 12-26-1990, effective 12-27-1990]

- A. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or a transactional disclosure statement or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement shall be assessed a civil penalty in an amount not to exceed \$10,000 for each violation. Upon assessment of such civil penalty, the Board shall send a notice of civil assessment to the reporting person; to the complainant, if any; and, in the case of a local officer or employee, to the appointing authority for such person. For a violation of this section, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor, and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event that a category of value or amount reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law.
- B. Assessment of a civil penalty or Board denial of such a request made pursuant to § 12-21H, I or J shall be final unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period and, upon becoming final, shall be subject to review, pursuant to Article 78 of the Civil Practice Law and Rules.

§ 12-27. Legal counsel.

Upon request by the Board, the Corporation Counsel shall provide legal advice and representation to the Board. Upon such occasions as the Corporation Counsel or the Board shall consider it appropriate that the Board have outside counsel, the Board may retain such counsel to serve with respect to particular matters.

§ 12-28. Confidentiality and disclosure.

[Added 12-26-1990, effective 12-27-1990; amended 5-11-1993, effective 5-24-1993]

- A. Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board which shall be available for public inspection are:
- (1) The information set forth in an annual statement of financial disclosure or a transactional disclosure statement; provided, however, that as to information responding to Paragraphs 5, 6, 7 and 8 of the form of annual disclosure statement required by § 12-4 hereof, such information shall be confidential and not available for public inspection, if:
 - (a) Such information is filed by a person who receives no compensation or salary from the City of Buffalo; and
 - (b) Such information does not relate to the affairs of the City of Buffalo.
 - (2) Notices of delinquency sent under § 12-23 of this chapter.
 - (3) Notices of reasonable cause sent under § 12-24 of this chapter.
 - (4) Notices of civil assessments imposed under § 12-26 of this chapter.
- B. Except as provided by Article 7 of the Public Officers Law, all meetings or proceedings of the Board of Ethics shall be opened to the public, and schedules of meetings, meeting agendas and meeting minutes of the Board of Ethics shall be published in the City Record.
- C. Contemporaneously with the issuance thereof, the Board of Ethics shall file with the City Clerk copies of all notices of delinquency sent under § 12-23 of this chapter, notices of reasonable cause sent under § 12-24 of this chapter and notices of civil assessment imposed under § 12-26 of this chapter.