

# BuffaloNews.com

## Judge will order ethics board to give Poloncarz information

By **Matthew Spina**

Published: May 28, 2010, 8:18 PM

[o Comments](#)

Updated: August 21, 2010, 10:15 AM

A State Supreme Court justice says she will sign an order granting the Erie County comptroller most of the information he subpoenaed from the Board of Ethics, a county entity

expected to watch for conflicts of interest among the county's policymakers.

Comptroller Mark C. Poloncarz wants his auditors to examine the ethics board's operations

but was blocked by aides to County Executive Chris Collins, who contended that the board

merely advises the county executive and lies beyond the comptroller's scope.

Poloncarz issued subpoenas for the records, but the subpoenas were ignored, on the advice

of County Attorney Cheryl A. Green. So Poloncarz went before State Supreme Court Justice Donna

M. Siwek on Thursday seeking to have his subpoenas enforced.

Poloncarz, a lawyer, represented himself. So did David C. Mineo, the ethics board chairman

who also is a lawyer. Assistant County Attorney Brian Liebenow represented Personnel

Commissioner John W. Greenan, whose office provides clerical support for the ethics board.

Siwek threw questions at the three lawyers for more than an hour and emerged convinced that

the ethics board is not just an advisory board but acts as an "administrative unit" that can

determine whether certain employees must file personal financial disclosure forms, fine those

who must but don't and refer serious violations to the district attorney.

"It is an advisory board," Liebenow said at one point but added, "It is a little different than your standard run-of-the-mill advisory board."

Siwek also indicated she could see why Poloncarz wanted to review the board because she

couldn't determine from Mineo its current number of members, how often it meets and whether

members are appointed as the law requires.

"It would seem to me that you are not necessarily acting the way the enacting legislation

wants you to operate," she told Mineo.

The Collins team had objected most strongly to Poloncarz's wish to receive the hundreds of

personal financial disclosure forms — also called ethics disclosures — that the

county's policymakers must file with the board each year. The forms reveal a policymaker's

sources of income in order to determine if a conflict of interest might arise with county

contractors or businesses regulated by county government.

Siwek offered a compromise. She will let the ethics board block out how much money a county

employee might have invested in a company and the value of their ownership stake in a company.

Poloncarz can return to Siwek for that information if he determines an employee has a

financial interest in an entity with county business.

Poloncarz also agreed to let Collins officials block out the names of minor children in an

employee's household.

The compromise follows the broad strokes of one that Collins officials had offered. They

had agreed to give Poloncarz the documents — with those same details redacted — if

he requested them under New York's Freedom of Information Law, as any citizen can do.

Poloncarz did not want to set such a precedent.

At the start of Thursday's hearing, Liebenow indicated that top county officials considered

the case a serious matter and that an appeal would be likely. But later, the Collins team said

no appeal was necessary. They believe that they won in Siwek's courtroom because they can omit

information.

"Poloncarz is getting exactly what we offered to give him in the first place," said Grant

Loomis, a Collins spokesman, "full ethics disclosures with minor children and investment

amounts redacted, in accordance with public information laws."

Loomis repeated the contention that Poloncarz launched his review to embarrass Collins

politically. "It's been about politics from Day One, and this ruling gives him exactly what he

is allowed to see by law," Loomis said.

Poloncarz also claimed victory.

"It's exactly what I said in the beginning," he said. "My office has the power to review

the Board of Ethics, not only to review the disclosure statements but to see if the Board of

Ethics is acting in accordance with its enabling legislation. I am just sorry it took so long."

---

## Comments

---

**There are no comments on this story.**

Copyright 1999 - 2010 - The Buffalo News copyright-protected material.