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## Showdown looms in Erie County

By **Matthew Spina**

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The county executive's camp rebuffed the subpoenas. So now Erie County Comptroller

Mark C. Poloncarz has filed papers to bring the matter to court.

Poloncarz wants copies of the personal financial information that dozens of county employees are to file each year to meet the county's Code of Ethics.

For months, aides to Chris Collins have refused to turn over the trove of documents. Now

Poloncarz, a lawyer, will ask a judge to make it happen by backing up his subpoenas.

He will argue his order to show cause before State Supreme Court Justice Donna

Siwek on May 27.

"If they had just followed our initial request, we would not have even gotten to the

subpoena phase," Poloncarz said of the county executive's staff Thursday.

"Mr. Collins likes one-person rule," he added. "But we live in a democracy,

not a dictatorship. In a democracy, we have checks and balances."

A official in the county executive's office said he tried to work out a compromise,

but Poloncarz rebuffed it.

"We need to protect county employees from fishing expeditions," said Christopher

M. Grant, Collins' chief of staff.

In February, Poloncarz trained his auditors on the Erie County Board of Ethics, one of the

quietest boards in county government. It is supposed to contain six members serving five-year

terms, each appointed by the county executive and confirmed by the Legislature.

But when do the members meet? he wondered. Do they record their decisions on ethical

matters? Do they follow the recommendations that then-Comptroller Alfreda Slominski issued

after a similar review in 1980?

And do they require personal disclosure forms from all of the county's

policymakers, just as they require them from elected officials and members of the

county's many myriad boards?

Staff policymakers are the upper-level managers, guiding each department and a smattering

of other employees.

Following state law, Erie County's policymakers are to disclose their personal

financial interests and their sources of income, real estate, lenders and in order to

reveal conflicts that might arise with, say, companies doing business with county government.

"If the board is lax in its oversight of the annual financial statements, the entire

process designed to protect taxpayer funds breaks down," Poloncarz's chief auditor,

Michael R. Szukala, said in a court affidavit.

Collins and Poloncarz have never gotten along, true to the tension that usually exists between county executives and county comptrollers. Throw in the potential for this comptroller

to some day run for office against this executive, and you have a feud rivaling the Hatfields

versus the McCoys.

In March, the county attorney's office told Poloncarz that he had no authority to

review the Ethics Board. It's an advisory board to the county executive, not an administrative unit, the legal teams said, so it is outside his scope.

Poloncarz didn't accept the opinion. His auditors issued subpoenas last month to pry

the records from Ethics Board Chairman David Mineo, Personnel Commissioner John W. Greenan and

Sue Agos-Quinn, a Personnel Department employee who assists the board.

County Attorney Cheryl A. Green then sent Poloncarz a letter saying none of the three would

respond.

Citizens can see those personal disclosures by requesting the forms through New York's

Freedom of Information Law. The Buffalo News, for example, has twice obtained the county

executive's annual disclosure forms through Freedom of Information Law requests and

posted them on the newspaper's Web site.

Grant, Collins' chief of staff, suggested Poloncarz file a Freedom of Information

request for the documents.

The county executive is willing to be open and transparent and disclose,

through the

proper channels, what the comptroller is looking for," Grant said. "We have told him

that if he requests it through FOIL, we will give him what he's looking for."

Poloncarz figured that was a way to get him to relinquish the powers that county laws give

to him and his office.

Further, the subpoenas seek an array of related documents that might not be releasable

under the Freedom of Information Law, but Poloncarz believes he's entitled to them as the

county comptroller.

Finally, through the subpoenas, he attempts to force Greenan, Mineo and Agos-Quinn to

answer his auditors' questions. The Freedom of Information Law doesn't provide for

that.

"This comes down to, I believe, the administration thumbing its nose at my office,

maybe for political purposes, I don't know," Poloncarz said.

"They have left me with no option other than filing this lawsuit."

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## Comments

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