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ERIE COUNTY

Ethics Board lacks members, leadership

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The Erie County Board of Ethics could meet in a telephone booth.

That's where it could place a call for reinforcements.

The panel is down to one member when it should have six, says Comptroller Mark C. Poloncarz.

It lacks a chairman. His term expired at the end of 2009.

Poloncarz says the board needs help, and the county's Code of Ethics needs an update.

"The Board of Ethics, at best, is almost a nullity now," Poloncarz said Thursday as he described what his auditors found when examining the Ethics Board's performance from 2007 through 2009.

"In effect, they have really been doing nothing more than what a clerical staff could have done," he said.

The Board of Ethics has authority to expose conflicts of interest among county employees, but in recent years it has existed mainly on paper, he said.

The board has tried to ensure that about 300 county employees and agency appointees complete their "ethics disclosure forms" each year. The forms reveal outside income and business interests held by elected officials and high-level "policy makers"— to signal potential conflicts with vendors or the myriad recipients of county dollars.

Poloncarz says the board has the right to test the accuracy of the statements made on those forms but does not. Nor does the board examine, on its own, whether conflicts exist. It also can issue advisory opinions but did not do so during the three years examined.

He said the board lacks the staff to do its job. And its members — certain past members anyway—doubted they held such authority, Poloncarz said.

“We believe they are more than a volunteer board that exists just to confirm who has filed,” he said. “We believe the Board of Ethics is afforded certain powers, and they were not doing the job they were created to do.”

When his auditors reviewed the 286 ethics disclosure forms completed for 2009, they found 35 employees who had filed “doing business as” forms with the county clerk but did not disclose those DBAs on their forms.

Poloncarz expects that those 35 names will be reviewed by the Board of Ethics to see if a conflict exists, should a new Ethics Board ever take shape. He said his auditors also found 24 employees who revealed relationships with county vendors. Those names, too, will be checked to see if conflicts are present, he said.

The report says that in the summer of 2009 the Board of Ethics—then with three members — asked County Executive Chris Collins to increase its number of members.

Collins had already named two new volunteer members that year. One was not confirmed by the Legislature. The other resigned this year.

Today, only Steven Schwartz, whose resume says he serves on bio-ethics committees for Kaleida Health, Erie County Medical Center and other medical institutions, can confidently call himself a member of the Erie County Board of Ethics.

“We have requested many times for additional appointments. It has been an ongoing issue,” he said Thursday. “I don’t think there is any conspiracy. It’s just neglect.”

Schwartz joined Poloncarz at a news conference Thursday to say that the vast majority of county employees required to file disclosure forms do so. Poloncarz, meanwhile, called on the county executive to appoint more members and the Legislature to promptly consider ratifying the nominees.

Poloncarz had to go to court for access to the disclosure forms that had been submitted. The Collins team questioned his authority to review the panel and tried to omit certain information on the forms. A judge in May agreed that Poloncarz had the right to examine the board and let him have the forms with minor restrictions.

In court, the board was represented by David C. Mineo, a lawyer who called himself its chairman. But Mineo couldn’t say for certain how many members it had or when the Ethics Board was supposed to meet.

During their research, Poloncarz’s auditors learned that Mineo wasn’t the chairman

at any point in 2010. His term had expired at the end of 2009.

Reached later, Mineo said he has gone through two terms, and had remained on the board after his first term ended and before he was given his second term.

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