



COUNTY OF ERIE

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January 30, 2015

VIA HAND DELIVERY

Hon. John J. Mills, Chairman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Alan Bedenko – Appointment to Board of Trustees
Buffalo & Erie County Public Library

Dear Chairman Mills:

I am in receipt of your letter dated January 22, 2015 requesting my opinion with respect to the proposed appointment of Alan Bedenko to the Board of Trustees of the Buffalo & Erie County Public Library (the "Library"). For purposes of responding to your letter, I specifically have reviewed the Library's (a) By-Laws, (b) Conflict of Interest Policy and (c) Ethics Policy.

As noted in your letter, Mr. Bedenko acts as a blogger and a journalist for Artvoice. He has in the past endorsed political candidates in columns published by Artvoice and perhaps in his blog. I reviewed an example of one of Mr. Bedenko's political endorsement columns. It contained a conspicuous disclaimer to the effect that the opinions and recommendations in his column were his personal opinions and not the opinions or policies of Artvoice. I am not aware of, nor have you suggested or alleged, any financial interest that Mr. Bedenko may have in the Library or in vendors that do business with the Library.

I do not believe Mr. Bedenko's public expression of his political views constitutes a conflict of interest or ethical violation that would prevent him from serving on the Board. The Conflict of Interest Policy is focused on financial interests and the conflicts that may arise therefrom. Mr. Bedenko's endorsements are an exercise of his right to free speech which is protected by the First Amendment of the United States Constitution. I do not believe his activities as a journalist or blogger present a legal impediment to Mr. Bedenko's appointment.

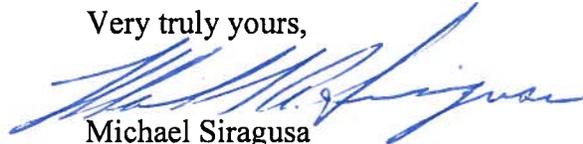
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I advise Mr. Bedenko that if he becomes a member of the Library Board, he should endeavor to avoid public confusion as to when he is expressing his personal opinions versus the position or public statements of the Board itself. Also, he must abide by the confidentiality requirements of the Board like any other Board member.

I am available to answer any questions you have.

Very truly yours,



Michael Siragusa
Erie County Attorney

cc: Erie County Legislature