



GERARD E. MANEY
Chairman

JAMES MELITA
Secretary

COUNTY OF ALBANY
COUNTY ETHICS COMMISSION
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BERNARD J. MALONE
Member

BRYAN BEST
Member

Ethics Commission Annual Report for 2023

Members of the Ethics Commission

The Commission in 2022 was comprised of four members. Gerard E. Maney served as Chairman and James Melita served as Secretary for the last two years. The other members of the Commission included Bernard J. Malone and Bryan Best. By the end of 2023, a vacant position remains on the Ethics Commission, as a vacancy left from previous years was never filled. Under the Ethics Law, the authority to fill this vacancy rests with the County Executive's Office.

Meetings

The Commission met five times in 2023. The meeting minutes are attached to this Report. In February 2023, the Commission directed its counsel to work with the Human Resources Commissioner and refine the list of employees who are Required Filers. In March 2023, the Commission approved the list of Required Filers and updated the language in the Financial Disclosure Form that made it consistent with the 2019 amendments to the Ethics Law. The Commission continued to receive and review Financial Disclosure forms throughout 2023.

Responses to Complaints and Advisory Opinions

The Commission received one complaint on October 19, 2022 and an amendment to the complaint on January 11, 2023 (“Complaints”). The Commission decided to undergo a preliminary review phase of the complaint due to allegations of a potential Ethics Law violation. Because of conflicts within the Law Department, the Commission determined that an independent investigator was necessary to handle the preliminary review phase and retained Cythia E. Preiser, Esq. The Commission accepted the findings of the report and recommendation by the independent investigator. On November 15, 2023 the Commission issued its Substantial Basis Determination and found that that no substantial basis exists that a violation of the Ethics Law occurred and the Complaints were dismissed. A copy of the Substantial Basis Determination is attached to this report

The Commission did not issue any Advisory Opinions in 2023.

Dated: April 10, 2024

Albany County Ethics Commission Meeting Minutes
February 8, 2023 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: James Melita, Bryan Best, Bernard Malone, Gerard Maney, Sia Googas, and Patrick Collins

4 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:17 p.m.

1. Reviewed the meeting minutes from the December 14, 2022 meeting, a motion from Mr. Malone to adopt the minutes without modification. The motion was seconded by Mr. Melita, and the meeting minutes were adopted unanimously.
2. The Ethics Commission discussed the need for counsel to represent them during the Preliminary Review Phase of the Ethics Complaint submitted on October 19, 2022 and the amendment submitted on January 11, 2023. A motion was made by Mr. Malone to empower Chairman Maney to reach out to potential counsel to see if they would represent them. The motion was seconded by Mr. Melita and the motion was passed unanimously.
3. An update on the return of the 2022 Financial Disclosure Forms was provided by Mr. Collins
 - a. The Ethics Commission directed Mr. Collins and/or Ms. Googas to reach out to the department heads of delinquent filers and inform them of any non-compliance.
4. The Ethics Commission reviewed newly provided 2022 Financial Disclosures Forms.
5. The Ethics Commission directed Mr. Collins and Ms. Googas to reach out to the Commissioner of Human Resources and do a preliminary review of her proposed Required Filers List for 2023 and present their thoughts on how to refine the list at the next meeting.
6. The Ethics Commission discussed its next meeting and a tentative date was set for March 15th at 3 pm.
7. Motion to adjourn – Mr. Best moved to adjourn, Mr. Melita seconded. The motion was passed unanimously.

Meeting ended at 4:10 pm.

Albany County Ethics Commission Meeting Minutes
March 29, 2023 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: James Melita- Member, Bernard Malone- Member, Gerard Maney- Chairman, Sia Googas- Ethics Counsel, and Patrick Collins- Legislative Assistant
3 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:17 p.m.

1. Reviewed the meeting minutes from the February 8, 2023 meeting, a motion was made by Mr. Malone to adopt the minutes without modification. The motion was seconded by Mr. Melita, and the meeting minutes were adopted unanimously.
2. Reviewed the 2022 Annual Report, a motion was made by Mr. Melita to adopt the 2022 Annual Report without modification. The motion was seconded by Mr. Malone and the 2022 Annual Report was adopted unanimously.
3. An update on the return of the 2022 Financial Disclosure Forms was provided by Mr. Collins.
 - a. The Ethics Commission discussed how to enforce non-compliance of completing a Financial Disclosure Form by required filers and directed Ms. Googas to research the topic and present her findings at a later meeting.
 - b. The Ethics Commission reviewed newly provided 2022 Financial Disclosures Forms.
4. The Ethics Commission reviewed the current Financial Disclosure Form and after discussion recommended the following changes to the Financial Disclosure Form with a motion made by Mr. Melita, which was seconded by Mr. Malone. The following recommended changes were adopted unanimously:
 - a. The reference to "Appendix A" should be stricken from the document and replaced with "Annual FDS Filer List"
 - b. Question 2 should remove the reference to relative to be consistent with the Ethics Law
 - c. Required Filers B should include a reference to Advisory Councils to be consistent with the Ethics Law
5. Chairman Maney updated the Ethics Commission on his search for potential counsel to represent the Ethics Commission during the Preliminary Review Phase of the Ethics Complaint submitted on October 19, 2022 and the amendment submitted on January 11, 2023.

- a. Three candidates for outside counsel were contacted by Chairman Maney as to their interest in representing the Ethics Commission during the Preliminary Review Phase. Two candidates had responded to Chairman Maney and he was awaiting for the response from the third.
 - b. After discussion, Mr. Melita moved to provide Chairman Maney with the authority to approve outside counsel after he heard from the third candidate and to work with Ms. Googas in coordinating whatever is required by the Law Department and the County Comptroller to proceed with employing outside counsel. The motion was seconded by Mr. Malone and the motion was passed unanimously.
6. The Commission discussed the list of Required Filers for 2023
- a. Human Resources Commissioner Clement presented the list of Required Filers that are employees of the County of Albany. Ms. Clement explained that she recommended removing the title of investigator as a potential required filer for the Sheriff's Department, Social Services Department, District Attorney Office and Public Defender's Office as the work of these investigators does not involve policy making or interactions with money, contracts or other financial issues covered by the Ethics Law. Ms. Clement explained that she recommended removing the assistant attorney titles in the Law Department, District Attorney's Office and the Office's of the Public Defenders and Alternate Public as potential required filers. These are lower level attorneys who are not high ranking officials or policy making officials and their job duties do not involve money, contracts, or other financial issues covered by the Ethics Law. Ms. Clement explained how she reviewed job titles who had director in the title and after review recommended removing director titles in the Social Services Department, Sheriff's Department, and Nursing Home as their function does not make them high ranking officials or policy making officials and their job duties do not involve money, contracts, or other financial issues covered by the Ethics Law.
 - b. Mr. Collins presented the list of required filers for Board members appointed by the County Executive or the County Legislature. Mr. Collins explained that two boards were deleted from the 2022 list as the boards were dissolved after completing their function.
 - c. Mr. Melita had to depart the meeting unexpectedly, and with his departure causing quorum to be lost, moved to adopt the lists of Required Filers for 2023 subject to any modifications by Chairman Maney after further discussion and notice to the proper parties. Mr. Malone seconded the motion and it was adopted unanimously.

- d. Motion to adjourn – Mr. Malone moved to adjourn, Mr. Melita seconded.
The motion was passed unanimously.

Meeting ended at 4:08 pm.

Editor's Note: Pursuant to the authority granted to him by the Commission, Chairman Maney recommended that assistant county attorney titles remain on the list of required filers for 2023 as these attorneys have the authority to negotiate and draft contracts and advise the County Attorney on policy issues that can affect the County and thus are subject to the Ethics Law.

Albany County Ethics Commission Meeting Minutes
June 28, 2023 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: James Melita- Member, Bernard Malone- Member, Gerard Maney- Chairman, Sia Googas- Ethics Counsel, Patrick Collins- Legislative Assistant, Cynthia Preiser- special Counsel to the Ethics Commission for purposes of Ethics Complaint

3 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:08 p.m.

1. Reviewed the meeting minutes from the March 29, 2023 meeting, a motion was made by Mr. Melita to adopt the minutes without modification. The motion was seconded by Mr. Malone, and the meeting minutes were adopted unanimously.
2. An update on the return of the 2023 Financial Disclosure Forms was provided by Mr. Collins.
 - a. There are approximately 46 outstanding employees who have not completed their Financial Disclosure Forms.
 - b. The County Executive, County Attorney, Sheriff, District Attorney, County Clerk and Human Resources Commissioner have all been notified of the outstanding employees.
 - c. The Clerk of the Legislature has also individually reached out to any required filers who have not completed the Financial Disclosure Forms.
 - d. The Ethics Commission members were provided a packet of Financial Disclosure Forms and instructed to return them to the Clerk of the Legislature once they were reviewed
3. Motion to move into Executive Session to discuss the Ethics Complaint submitted on October 19, 2022 and its subsequent amendments (“Ethics Complaint”) and to discuss the employment history of a particular person (OML §105(1)(f)) was made by Mr. Malone, Mr. Melita seconded. The motion was unanimous.
4. Motion to move out of Executive Session was made by Mr. Melita, Mr. Malone seconded. The motion was unanimous.
5. The Ethics Commission requested that Ms. Preiser provide a report and recommendations of her investigation into the Ethics Complaint by their next meeting.
6. The Ethics Commission discussed its next meeting and a tentative date was set for September 13th at 3pm.

7. Motion to adjourn – Mr. Melita moved to adjourn, Mr. Malone seconded. The motion was passed unanimously.

Meeting ended at 4:10 pm.

Albany County Ethics Commission Meeting Minutes
October 18, 2023 3:00pm
Room 940
Albany County Office Building
112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: Bryan Best- Member, Bernard Malone- Member, Gerard Maney- Chairman, Sia Googas- Ethics Counsel 3 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:08 p.m.

1. Reviewed the meeting minutes from the June 28, 2023 meeting, a motion was made by Mr. Malone to adopt the minutes without modification. The motion was seconded by Chairman Maney, and the meeting minutes were adopted with a majority present and with one abstention.
2. An update on the return of the 2023 Financial Disclosure Forms was provided by Ms. Googas. The Ethics Commission members were provided a packet of Financial Disclosure Forms for review.
3. Motion to move into Executive Session to discuss the Ethics Complaint submitted on October 19, 2022 and its subsequent amendments (“Ethics Complaint”) and to discuss the employment history of a particular person (OML §105(1)(f)) was made by Mr. Best, Mr. Malone seconded. The motion was unanimous.
4. Motion to move out of Executive Session was made by Mr. Malone, Mr. Best seconded. The motion was unanimous.
5. A motion to accept the findings of the independent investigator Ms. Cynthia Preiser’s report and recommendation as to the Ethics Complaint was made by Mr. Best, Mr. Malone seconded. The motion was unanimous.
6. Pursuant to the Albany County Ethics Commission Regulations Governing Complaints and Investigations Paragraph 8, a motion to draft a Substantial Basis Determination was made by Mr. Malone, Mr. Best seconded. The motion was unanimous.
7. The Commission reviewed the bill and details of the hours worked by Ms. Preiser. A motion to accept and approve the payment of Ms. Preiser was made by Mr. Best, Mr. Malone seconded. The motion was unanimous.
8. The Ethics Commission discussed its next meeting and a tentative date was set for November 15th at 3pm.
9. Motion to adjourn – Mr. Best moved to adjourn, Mr. Malone seconded. The motion was passed unanimously.

Meeting ended at 4:11 pm.

Albany County Ethics Commission Meeting Minutes

November 15, 2023 3:00pm

Room 940

Albany County Office Building

112 State Street, Albany, NY 12207

Meeting conducted in person

In attendance: Bryan Best- Member, Bernard Malone- Member, James Melita- Member, Gerard Maney- Chairman, Sia Googas- Ethics Counsel, Patrick Collins- Legislative Assistant 4 of 4 members present- quorum present

Meeting was called to order by Chairman Maney at 3:11 p.m.

1. Reviewed the meeting minutes from the October 18, 2023 meeting, a motion was made by Mr. Malone to adopt the minutes without modification. The motion was seconded by Mr. Malone, and the meeting minutes were adopted by a majority present and with one abstention.
2. An update on the return of the 2023 Financial Disclosure Forms was provided by Mr. Collins.
3. Motion to move into Executive Session to discuss the Ethics Complaint submitted on October 19, 2022 and its subsequent amendments (“Ethics Complaint”) and to discuss the employment history of a particular person (OML §105(1)(f)) was made by Mr. Best, Mr. Malone seconded. The motion was unanimous.
4. Motion to move out of Executive Session was made by Mr. Malone, Mr. Best seconded. The motion was unanimous.
5. Pursuant to the Albany County Ethics Commission Regulations Governing Complaints and Investigations Paragraph 8, a motion to dismiss the Ethics Complaint and accept the draft of the Substantial Basis Determination was made by Mr. Malone, Mr. Best seconded. The motion was unanimous.
6. The Ethics Commission discussed its next meeting and a tentative date was set for April 10th at 3pm.
7. Motion to adjourn – Mr. Best moved to adjourn, Mr. Melita seconded. The motion was passed unanimously.

Meeting ended at 4:08 pm.



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Member

SUBSTANTIAL BASIS DETERMINATION

Preliminary Findings of Fact

The Albany County Ethics Commission (“Commission”) received a complaint on October 19, 2022 and amendments to the complaint on January 11, 2023 and April 10, 2023 (“Complaints”). On December 14, 2022 the Commission decided to undergo a preliminary review phase.

The Complaints arose after the Albany County Department of Mental Health (“ACMH”) contracted with Genoa Pharmacy (“Genoa”) for an in-house pharmacy at the Albany County Mental Health Clinic. The Complaints include allegations that the process for the Request for Proposals for the installation of the in-house pharmacy was not done properly, that little notice was provided to the public that ACMH was looking for an in-house pharmacy, that the proposal was drafted in favor of Genoa, that the hiring of the daughter of a high ranking ACMH official violated the Ethics Law, that the mailing of a letter on Albany County letterhead to the clients of ACMH promoting Genoa, and the use of prior authorizations were done in an effort to steer clients to Genoa.

Due to the Law Department having a conflict, the Commission determined that outside counsel was necessary to handle the preliminary review phase investigation and retained Cynthia

E. Preiser, Esq., as an independent investigator. The independent investigator reviewed the Complaints, read the Albany County Ethics Law, reviewed the policies of the Commission, met with members of the Commission and multiple witnesses. She also watched legislative committee meetings and the proceedings of the Albany County Legislature for the original contract and the renewal of the contract with Genoa.

Conclusions of Law

No Ethical violations were committed during the proposal process. The request for bids, posting of the request, reviewing bids and awarding the contract were all done in compliance with Albany County policies.

No Ethical violations were committed when the daughter of an ACMH official was hired by Genoa as the head pharmacist. Genoa is an independent company leasing space from Albany County and the pharmacist hired had a background in working with the mental health community and was already working for Genoa in another location.

No Ethical violations occurred when a letter was distributed by ACMH announcing the existence of Genoa in the Mental Health Clinic as none of the parties involved had a financial interest in Genoa.

No Ethical violations were found on the remaining allegations.

Determination

After a thorough review of the Complaints and the report and recommendation of the independent investigator, the Commission hereby decides that no substantial basis exists that a violation of the Ethics Law occurred and the Complaints are dismissed. This decision shall

constitute the final determination by the Commission. The Clerk of the Legislature is directed to provide a copy of this determination to the Respondent(s) and Complainant.

Adopted by the Albany County Ethics Commission on November 15, 2023

Members Present

Gerard E. Maney, Chairman
James Melita, Secretary
Bernard J. Malone, Member
Bryan Best, Member