



CITY OF SARATOGA SPRINGS  
BOARD OF ETHICS  
474 Broadway  
Saratoga Springs, NY 12866-2296  
518-587-3550 X-2636

JUSTIN HOGAN  
*Chairperson*

BRENDAN CHUDY  
KEVIN KLING  
MARILYN RIVERS  
ELLEN VENN

July 16, 2019

Patricia M. Morrison  
67 Union Street  
Saratoga Springs, NY 12866

Re: Inquiry submitted

Dear Ms. Morrison:

This inquiry came to the Board's attention by receipt of a copy of a June 14 letter you sent to a City Council member. It concerns the campaign fundraising activities of that elected official. The inquiry is not submitted by way of the usual inquiry form, but the Board will not delay its review of the matter because of that discrepancy. (Section 7.2 of the Board's procedures states that an inquiry must be submitted "in writing").

Your inquiry describes campaign fundraisers and direct campaign donations made by proponents of a rezoning proposal currently before the City Council. You characterize these donations as "political gifts", state that the integrity of the process has been compromised, and declare that the elected official has "a direct conflict of interest" and should recuse from further participation in the rezoning process.

Section 13-3(C) of the city Ethics Code contains the general restriction regarding the acceptance of gifts by city officers and employees. It states that, subject to certain narrow exceptions,

"...a City officer or employee shall not directly or indirectly solicit, accept or agree to accept any gift or favor, whether in the form of money, services, loans, travel, entertainment, hospitality, material items, promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such City officer or employee, in the performance of his or her official duties or was intended as a reward for any official action taken by such City officer or employee...."

The term "gift or financial benefit", as defined in section 13-2, includes

"...anything of value, including, but not limited to, money, services, referrals, discounts, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall

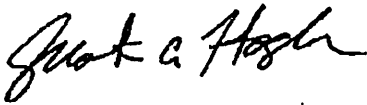
not be a gift unless it is on terms not available to the general public. "*Gift*" and "*financial benefit*" do not include campaign contributions authorized by law." (italics added).

Since the Ethics Code expressly excludes campaign contributions from the definition of "gift", the Board finds that the receipt of a campaign contribution by a city elected official under the circumstances you describe does not constitute a violation of the gift provisions in the Code.

Enclosed please find a copy of the standard inquiry form. If you wish to submit additional information the Board invites you to use that form in future correspondence.

With the unanimous approval of the Board.

Sincerely,

A handwritten signature in cursive script that reads "Justin Hogan".

Justin Hogan  
Chair



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### BOARD OF ETHICS INQUIRY FORM

The City of Saratoga Springs recognizes that there are rules of ethical conduct for officers and employees that must be observed if a high degree of moral conduct is to be upheld and if public confidence is to be maintained.

The City Board of Ethics accepts written inquiries from any individual regarding alleged behavior inconsistent with the ethical obligations of officers or employees pursuant to Article 18 of the N.Y.S. General Municipal Law, the City Charter, Chapter 13 of the City Code, applicable rules and regulations of the City and all other relevant law.

This form may also be used by an officer or employee seeking an opinion from the Board of Ethics regarding his/her potential behavior inconsistent with his/her ethical obligations.

#### NAME OF INDIVIDUAL MAKING INQUIRY (*REQUIRED*)

\_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ eMail \_\_\_\_\_

SUBJECT OF INQUIRY \_\_\_\_\_

#### SUMMARY OF BEHAVIOR ALLEGEDLY/POTENTIALLY INCONSISTENT WITH ETHICAL OBLIGATIONS

(Please include as much detail as possible and the specific ethical violation which allegedly/potentially occurred. Attach additional sheet(s) if necessary).

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ALL AREAS OF THIS FORM ARE TO BE COMPLETED FOR THE INQUIRY TO BE CONSIDERED. PLACE COMPLETED FORM IN A SEALED ENVELOPE MARKED "CONFIDENTIAL", and SUBMIT IT TO THE CHAIRPERSON OF THE BOARD OF ETHICS, C/O MAYOR'S OFFICE, 474 BROADWAY, SARATOGA SPRINGS, NEW YORK 12866**

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Signed