

A Guide to Ethics Board Procedures

The Ethics Board presents this guide in an effort to help Village residents, employees, contractors, volunteer board members, elected officials and others in understanding its responsibilities, processes and work.

The Ethics Board is comprised of five volunteer members. It adjudicates complaints that allege violations of the Village of Mamaroneck Code of Ethics, which can be found at <https://ecode360.com/13497972> , and responds to requests for advisory opinions regarding the provisions of the code. What does this mean and what is the process the Ethics Board uses to investigate a complaint?

Any person may file a formal complaint against a committee volunteer, elected official or employee for an action that has already been taken or not taken that violates the Village of Mamaroneck Ethics Code. An official complaint form can be found on the VOM website at <https://www.village.mamaroneck.ny.us/ethics-board/files/complaint-form> On this form, you are asked to describe the violation in as much detail as possible, cite the relevant section or sections of the Code of Ethics that were violated, and have it notarized and either mailed or emailed to the Ethics Board.

Once the Ethics Board receives the complaint, an evaluation is made as to whether the alleged violation comes under the purview of the Code of Ethics, or if it may be a matter applicable to the jurisdiction of a different board or entity to assess. If the Ethics Board deems the violation relevant to the code, the complainant may be called to attend an interview with the Ethics Board and may present evidence and/or witnesses in support of the complaint.

If the Ethics Board deems the complaint to have merit, it may then initiate a formal investigation. This may include interviews, requests for documents and data, FOIA actions and more. If the Ethics Board finds sufficient evidence that a violation has occurred, formal hearings will be scheduled at which witnesses will be called to testify under oath. After all investigatory processes have been completed, the board will state in writing the disposition of the complaint. If a violation of the code is found, the disposition will be made public on the Ethics Board page of the VOM website. If no violation is found, the written disposition will be given to the complainant, but will not be made public.

It is important to note that because the Code of Ethics requires that “All documents and hearings relating to the investigation and hearing of an alleged violation of this chapter shall be confidential and not available for public inspection or open to the public, except as required by state or federal law or by this chapter”, the Ethics Board deems a formal complaint itself to be a document relating to the investigation, and therefore confidential. A complainant therefore may not make public a complaint unless and until the board has made a finding that a violation of the code has been committed.

Also, while the Ethics Board can recommend penalties, it is the duty of the Board of Trustees to impose any disciplinary action.

A formal complaint differs from a Request for Advisory Opinion in that under the present Code of Ethics, only a Village of Mamaroneck committee volunteer, elected official or employee may request an advisory opinion from the Ethics Board via mail or email. An advisory opinion is simply an interpretation as to whether a future action taken or not taken would be a violation of the Village of Mamaroneck Code of Ethics. For example, if a committee member is unsure whether they may or may not have a conflict of interest regarding a matter before their board and must recuse, they can email the Ethics Board with as much background information as possible and ask for an opinion.

In order to protect the rights of complainants, respondents and those asking for advisory opinions, the Ethics Board keeps all files relating to formal complaints confidential, except as otherwise required by state or federal law or by the Code of Ethics. Under the code, the Ethics Board has the discretion to publish "...such of its advisory opinions as it believes will provide guidance to other Village of Mamaroneck officers, board members or employees..." However, the code states further that "...the publicly available copy of such opinions shall contain such deletions as may be necessary to prevent disclosure of the identity of the involved officers, board members and employees."

While the Ethics Board may initiate an investigation on its own without a formal complaint, it is not an investigative body in the traditional sense, and cannot issue anticipatory opinions relating to current public debates and controversies, or act upon an action that a party may or may not take in the future. In that instance, it is prudent for a relevant party to request an Advisory Opinion. Likewise, not all actions and behaviors are a matter of the Ethics Board. While someone may deem a behavior "unethical", unless it is prohibited by the Village of Mamaroneck Code of Ethics, the Ethics Board will not adjudicate the matter.

The Ethics Board welcomes questions regarding its work. Please note that the board does not provide informal written or verbal opinions, other than referring inquirers to relevant sections of the code, or on the procedures for filing complaints or requesting Advisory Opinions.

The Ethics Board can be contacted at ethicsboard@vomny.org for any questions or clarification about the Ethics Board or its processes.