

[The on-line version of my Another Voice article includes 122 of my words not contained in the print version of the Buffalo News on September 23, 2023. I've underlined those additions in the text below. The two versions use different titles (both rejecting my chosen heading, "Erie County's Flawed Code of Ethics - The Gift that Keeps on Giving.")]

[https://buffalonews.com/opinion/another-voice-erie-countys-code-of-ethics-is-much-broader-than-it-has-been-interpreted/article\\_0b23655a-5662-11ee-acdf-ff0cab2af21a.html](https://buffalonews.com/opinion/another-voice-erie-countys-code-of-ethics-is-much-broader-than-it-has-been-interpreted/article_0b23655a-5662-11ee-acdf-ff0cab2af21a.html)

Another Voice/County Executive

## **Another Voice: Erie County's code of ethics is much broader than it has been interpreted**

Arthur J. Giacalone

The public will not have the benefit of a ruling from the Erie County Board of Ethics on whether County Executive Mark Poloncarz acted improperly when a committee he chaired awarded a \$60,000 grant to a cultural organization run by a woman he allegedly dated.

As recently reported by The Buffalo News, three ethics board members – all of whom had been nominated to the board by Poloncarz – concluded that they lacked the authority to review the matter. In their view, the Erie County's code of ethics is limited in its scope to addressing potential conflicts involving spouses and other relatives, and makes no mention of alternate types of romantic relationships. For that reason, "they wanted to err on the side of caution, calling it hard to know where to draw the line without more specificity in the code."

In fact, the board's ability to investigate ethics complaints is broader than the strict language of the ethics code and encompasses the spirit of what constitutes a conflict of interest. I reach this conclusion reluctantly, as a lifelong Democrat, and no fan of Chrissy Casilio, the Republican seeking to unseat Poloncarz in the November election.

The ethics board's rules and regulations contain the following acknowledgment of the limitations of any ethics code:

*"No code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment."*

In light of this flaw, and in direct contradiction to the Poloncarz nominee's desire "to err on the side of caution," the board's rules expressly state that, "These rules shall be liberally construed to accomplish the purposes of the Ethics Code." Those purposes include discouraging county officials from acting upon personal interests in the performance of their public responsibilities, and promoting and strengthening the faith and confidence of the people of Erie County in public officials.

The ethics board's wish for more specificity in the code is ironic. When the current code was signed into law in March 2018, County Executive Poloncarz's press release proclaimed that the code "modernizes and clears up our county Code of Ethics, clarifying what is acceptable behavior and what is not while eliminating the ambiguous provisions." and "contains clear definitions of prohibited and non-prohibited activities."

The new ethics code added to the list of non-prohibited conduct the receipt or acceptance of gifts from a "family member" or "person with a personal relationship with the public official." Poloncarz assured The Buffalo News in 2018 that the phrase "personal relationship" was meant to include someone with an intimate relationship with a county official.

It seems the county executive was thinking ahead. The ethics code he championed does treat as equals spouses and someone in an intimate relationship with a county official.

*Arthur J. Giacalone has practiced law in Buffalo since 1976.*

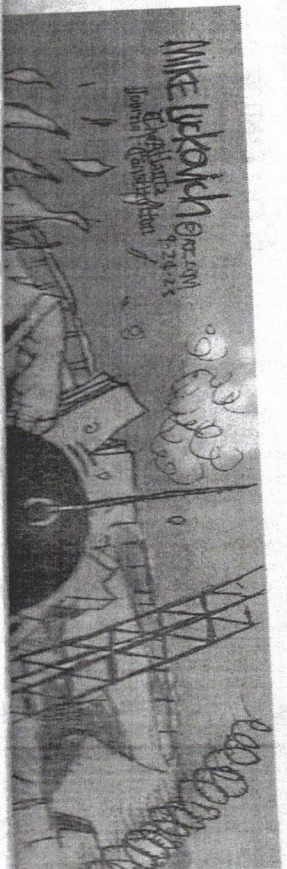
THE BUFFALO NEWS

OPINION

Tom Willey

ANOTHER VOICE | COUNTY EXECUTIVE

What the Erie County code of ethics really says



ARTHUR J. GIACALONE

The public will not have the benefit of a ruling from the Erie County Board of Ethics on whether County Executive Mark Poloncarz acted improperly when a committee he chaired awarded a \$60,000 grant to a cultural organization run by a woman he allegedly dated.

As recently reported by The Buffalo News, three ethics board members – all of whom had been nominated to the board by Poloncarz – concluded that they lacked the authority to review the matter. In their view, the Erie County’s code of ethics is limited

in its scope to addressing potential conflicts involving spouses and other relatives, and makes no mention of alternate types of romantic relationships.

In fact, the board’s ability to investigate ethics complaints is broader than the strict language of the ethics code and encompasses the spirit of what constitutes a conflict of interest.

The ethics board’s rules and regulations contain the following acknowledgment of the limitations of any ethics code:

“No code of conduct, however comprehensive, can anticipate all situations in which violations may

occur nor can it prescribe behaviors that are appropriate to every situation; in

In light of this flaw, the board’s rules expressly state that, “These rules shall be liberally construed to accomplish the purposes of the Ethics Code.” Those purposes include discouraging county officials from acting upon personal interests in the performance of their public responsibilities.

When the current code was signed into law in March 2018, County Executive Poloncarz’s press release proclaimed that the code “contains clear definitions of prohibited and non-prohibited activities.”

The new ethics code added to the list of non-prohibited conduct the receipt or acceptance of gifts from a “family member” or “person with a personal relationship with the public official.” Poloncarz assured The Buffalo News in 2018 that “personal relationship” was meant to include someone with an intimate relationship with a county official.

It seems the county executive was thinking ahead. The ethics code he championed does treat as equals spouses and someone in an intimate relationship with a county official.

Arthur J. Giacalone has practiced law in Buffalo since 1976.

Editorial Board

The editorials represent the views of The Buffalo editorial board and Publisher Executive Editor Rayam, Editor Editor Kevin S and editorial Dawn Marie B Elizabeth Lica

Another Voice

issues-oriented that appears on editorial page. Writers must backround or the topic about are writing. She should be about Email: submit@buff