

# Village of Mamaroneck



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## **BOARD OF ETHICS**

Mark Ettenger  
Chairperson

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## Opinion 2017-2

Suzanne McCrory filed a complaint with the Board of Ethics that Village Trustee Louis Santoro violated the Code of Ethics at the February 13, 2017 Board of Trustees' meeting because he "read and introduced the resolution authorizing the payment of his legal bills." Further, Ms. McCrory complains that Mr. Santoro failed to step off the dais after his recusal and during the portion of the Board of Trustee's meeting concerning the legal fees.

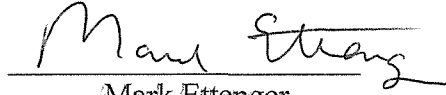
Section 21.4(C)(1) of the Ethics Code provides in relevant part that "[a] Village officer or employee, or Board or committee member shall promptly recuse himself/herself from acting on a matter before the Village when acting on the matter, or failing to act on the matter, may benefit the persons listed in § 21-4A, financially or otherwise, or give the reasonable appearance of a conflict of interest or impropriety." Section 21.4(C)(2) provides that "[w]henver a Village officer, employee or Board or committee member is required to recuse himself/herself, he/she must do so on the record and/or in writing and refrain from any further participation in the matter."

As matter of appearance, the better practice is for the member of the body who recuses to step down from the dais after recusal. The Ethics Code, however, does not address the issue of whether a Board member is required to do so. Accordingly, the Board determines that Mr. Santoro did not violate the provisions of the Code of Ethics by failing to step down from the dais.

However, Mr. Santoro did not completely "refrain from any further participation in the matter" as required by Ethics Code § 21.4(C)(2). While Mr. Santoro did not vote on the resolution approving the legal fees or participate substantively in the public comments on the resolution or in the Board of Trustee's discussion on the resolution, he did continue to participate after his recusal in the procedural aspects of the proceedings concerning payment of his legal bills. We find that this was a technical violation of the Code of Ethics.

We further determine, however, that Mr. Santoro's limited, non-substantive participation was in good faith and was not an attempt to exert any influence on the Board of Trustees' decision-making or vote. Accordingly, no

sanction, disciplinary action or penalty is warranted under the circumstances.

  
Mark Ettenger  
Chairman

Adopted November 29, 2017

Chairman Ettenger	Aye <u>X</u>	Nay__
Mr. Steiger	Aye <u>X</u>	Nay__
Ms. Vozza	Aye <u>X</u>	Nay__