

Village of Mamaroneck Ethics Board  
State of New York

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In the Matter of the Request for a  
Confidential Advisory Opinion by

**Advisory Opinion**

NORA LUCAS.  
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Village of Mamaroneck Trustee Nora Lucas requested an advisory opinion regarding whether her recusal under Chapter 21 of the Village Code – the Code of Ethics, on certain matters prevents Trustee Lucas from discussing certain information concerning those matters for the purposing of “inform[ing] and deliberat[ing] with colleagues” in connection with a separate matter involving another dispute from which Trustee Lucas is not recused.

Solely for purposes of this advisory opinion, the Ethics Board has accepted the facts described below provided by Trustee Lucas as true.

Trustee Lucas recused herself from acting on matters related to disputes that led to two lawsuits between the Village of Mamaroneck (the “Village”) and AVC Properties LLC, including any discussions whether the Village should seek civil penalties from AVC Properties LLC (the “AVC Matters”).<sup>1</sup>

Beginning in January 2021, the Board of Trustees discussed whether to bring civil charges against Stuart Tiekert in connection with building code violations assessed against Mr. Tiekert in connection with a condominium unit he owns at 130 Beach Avenue, which the Zoning Board of Appeals (“ZBA”) affirmed and which were the product of an Article 78 proceeding that Mr. Tiekert commenced against the Village challenging the ZBA’s decision (the “Tiekert Matter”).

The issue before the Board of Ethics is simply whether, by virtue of Trustee Lucas’ recusal from the AVC Matters, Trustee Lucas is prevented from discussing the AVC Matter “to inform and deliberate with colleagues” about the decision whether to seek

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<sup>1</sup> The Board of Ethics does not have sufficient information to determine whether such recusals are required under the Ethics Code and has not been asked to render such an advisory opinion. As a result, nothing in this advisory opinion should be construed as addressing whether or not Trustee Lucas or any other Trustee is or was previously required to recuse themselves from any AVC Matter.

civil penalties in the Tiekert Matter.

Village Code § 21-4(C)(1) provides as follows:

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.

The pertinent provisions in § 21-4(C)(1) require recusal on a “matter” when acting or failing to act on the matter could benefit, among others, a Trustee “financially or otherwise, or give the reasonable appearance of a conflict of interest.”


After due consideration, the Ethics Board advises Trustee Lucas that merely discussing factual information regarding a recused matter does not constitute “acting” on the recusal matter for purposes of the Ethics Code. As a result, Trustee Lucas is not prohibited by the Ethics Code from sharing factual information she is aware of concerning the AVC Matters in discussions on the Tiekert Matter with the following caveat: Trustee Lucas should present any information concerning the AVC Matters shared in connection with the Tiekert Matter in a manner that does not suggest how any issues related to the AVC Matters that may come before the Board of Trustees or another Village Board should be handled in the future. For example, there would not be a problem under the Ethics Code if Trustee Lucas were to point out the timing or amount of penalties the Village of Mamaroneck sought from AVC in connection with an AVC Matter, provided she did not do so in a manner that indicates a preference for how issues related to the AVC Matters should be addressed in the future.

To the extent Trustee Lucas wishes further advice regarding specific information she intends to share concerning the AVC Matters in connection with the Tiekert Matter or how she intends to present it, the Ethics Board is available to issue an advisory opinion on such matters.

Dated: Mamaroneck, New York  
October 26, 2021

Updated: Mamaroneck, New York  
February 20, 2023

VILLAGE OF MAMARONECK ETHICS BOARD

By:   
Chari Topol-Allison  
Secretary VOM Ethics Board