

Village of Mamaroneck Ethics Board
Advisory Opinion of the Ethics Board

Docket 2023-001

Synopsis of Request for Opinion

May a member of the Village of Mamaroneck Budget Committee also serve concurrently as a trustee of the Village of Mamaroneck Library, or would such dual service constitute a conflict of interest under the Village of Mamaroneck Code of Ethics?

Summary of the Ethic Board's Opinion

Under the facts presented, concurrent service on the Budget Committee and the Board of Trustees of the library would not constitute a conflict of interest, as long as the member, while serving on the Budget Committee, recused and took no part in any discussion, action or vote regarding the library as a member of the Budget Committee.

Relevant Code of Ethics Sections

21-4 C - Recusal
21-4 F – Disclosure of Confidential Information
21-16 – Advisory Opinions

Request for Opinion

On March 26, 2023, Ms. Ellen Hauptman, a resident of the Village of Mamaroneck, sent the following email to the Ethics Board e-mailbox:

Hi...I would like your opinion on the following. I have been a member of the VOM Budget Advisory Committee for 4 years and I was just sworn in as a Trustee of the Mamaroneck Public Library. Do you see any conflict here?

Thanks and Regards,
Ellen Hauptman

The Ethics Board convened a public meeting on April 2, 2023 to meet with Ms. Hauptman and consider her request for a formal opinion.

Facts Presented

Ellen Hauptman is a member of the Village of Mamaroneck Budget Committee, an advisory committee comprised of all-volunteer members.

The Village of Mamaroneck website describes the function of the Budget Committee as follows:

<https://www.village.mamaroneck.ny.us/budget-committee>

The Budget Committee provides support and guidance to the Mayor, Board of Trustees, Village Manager, and Clerk-Treasurer in their endeavors to improve the quality of life in the Village of Mamaroneck while minimizing the financial burden. The Committee analyzes and recommends means and methods to optimize programs and services as

well as identifies cost savings opportunities, value added opportunities, and how to generate revenues to offset costs.

In December 2022, Ms. Hauptman was elected to serve as a trustee of the Village of Mamaroneck Public Library in a general public election.

The Mamaroneck library <https://www.mamaronecklibrary.org/> is governed by a board of trustees, headed by a president. The library's website currently identifies ten trustees, including the president. Trustees serve as unpaid volunteers.

The library's budget is funded almost entirely by taxes assessed directly to residents of Mamaroneck. The library's published "actual" 2021-2022 budget was \$3,387,014. <https://www.mamaronecklibrary.org/wp-content/uploads/2023/03/MPL-budget-FY23-24.pdf>

On March 24, 2023, the library issued the following public statement:

Press Release

Media Contact Information: Board of Trustees President Ellen Freeman
– efreeman@mamaronecklibrary.org

Release Date: 3/24/23

FOR IMMEDIATE RELEASE

Joint Statement from Mamaroneck Public Library Board of Trustees President and Library Director Regarding Financial Irregularities

Mamaroneck, NY – Last month, the Library Board of Trustees was made aware of financial irregularities involving the Library's business office. As a result, the Library's business official was immediately placed on administrative leave and a financial forensic audit was initiated. This audit was focused on potential misappropriation and the status of all Library accounts.

As of March 22, 2023, the Library's business official resigned. The financial forensic audit continues and the Library will take any and all measures necessary to address whatever issues are raised during the investigation.

We remain entirely committed to conducting a full investigation and working with the Village, the public, and all other agencies to maintain our great Library and the public faith. We realize that there will inevitably be many questions as we move forward and we respectfully request the public's patience while we continue this process and until we are able to provide everyone with the complete and accurate answers that are deserved.

The Library Board understands that there may be difficult financial decisions ahead. However, Mamaroneck Public Library remains committed to serving the community as it has for the past hundred years.

At the meeting of the Ethics Board, Ms. Hauptman stated that her term of office at the library was due to commence in June, 2023. However, she stated that the library president requested that she begin her service immediately. She agreed and took the oath of office as trustee.

Ms. Hauptman told the board that she was asked to begin her service to the library immediately because of her professional qualifications. She said that in addition to her residence in the village of Mamaroneck since 1995, and her service in volunteer positions with the village, she had served for 40 years in executive positions in both corporate and financial institutions, with responsibilities for financial matters. She said that the library had sought to employ her experience in support of its investigation of the financial irregularities that were disclosed.

The Ethics Board requested that Ms. Hauptman, in her discussion with the board, and in response to questions, provide no non-public information of which she may have been informed regarding the library matter.

In response to questions from members of the Ethics Board, Ms. Hauptman stated, among other comments and responses that:

- the Budget Committee is not provided with any non-public information by village offices or officials
- the Budget Committee does not discuss or deliberate matters that relate to the budget, finances or business of the library, nor does the library fall under the scope of responsibility of the Budget Committee
- she anticipates that she will be asked to work with library staff, the forensic auditor retained by the library and others who are officially investigating the financial irregularities involving the library

The board then excused Ms. Hauptman and conferred in Executive Session. After discussion, the board rendered the following opinion:

Opinion of the Ethics Board

Based upon the facts presented and Ms. Hauptman's responses to questions, the Ethics Board does not consider Ms. Hauptman's dual, concurrent service on the Budget Committee and the Mamaroneck Library Board of Trustees to be a conflict of interest under the Code of Ethics. In the event that any matter involving the library is brought before or taken under consideration by the Budget Committee, Ms. Hauptman should recuse her participation, and not take part in any discussion, action or vote as a Budget Committee member.

This opinion of the Ethics Board is limited to this docketed matter and the facts presented. Although the Ethics Board may reference its published opinions for precedent and authority, all opinions rendered by the Ethics Board will be based solely on the facts of each individual matter it considers.