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Press Release
For Immediate Release

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Over the past three months the Franklin County District Attorney's Office has been examining allegations of certain improprieties including self-dealing, conflicts of interest and violations of statutes on the part of various local elected officials in Franklin County.

The recently disclosed unethical conduct by our state's highest elected official has heightened the need for a closer review of all available ethical safeguards in order to reestablish and maintain the public's confidence in our elected officials.

This week, copies of General Municipal Law, Chapter 24, Article 18, Section 805-a and 806, are being sent to all Town, Village, School District and other regulatory boards in Franklin County in an effort to fully apprise elected officials of the prohibited conflicts of interest of Municipal Officers and their employees. Each governing body is also being urged to adopt and/or update their respective Code of Ethics and to consider working with the Franklin County Legislature to adopt a standard code throughout the County.

Our investigation has revealed several contracts, easements, lease option agreements, cooperation memoranda and other types of documents which disclose relationships existing between elected officials and certain third parties in Franklin County (as well as other elected officials in other Counties) which, when allegedly coupled with certain decision making and board action, may be in violation of General Municipal Law (GML) 805-a(1)(c) and (1)(d). If such violations have occurred, these public officials may also be in violation of Penal Law Section 195.00, Official Misconduct and/or Penal Law Section 200, (Bribery Involving Public Servants and related offenses).

We are presently urging all elected officials to examine any and all employment relationships, contracts, contractual arraignments [arrangements], agreements, leases, easements, payments, agreements for future services, fees, compensation, financial arraignments [arrangements] and other related matters which would fall under the prohibitions of GML 805-a(1)(c) and (1)(d) and to consider as required by law, full disclosure to the public and recusal from voting or

participation in legislative decisions in any events where a public official has or may have a financial interest. (1992 N.Y. Op. (Inf.) Att'y Gen. 31)

Through these proactive steps and full compliance with the law, we can attempt to restore and maintain the public's confidence in our elected officials. The New York State Attorney General's Office, in the informal opinion cited above specifically stated, "even the appearance of impropriety must be avoided in order to maintain public confidence in government."

We are also including in our mailing, GML 808 in the hope that all governing bodies in the County will consider requesting the Franklin County Board of Legislators to establish a County Board of Ethics. Such a Board would assist all elected officials by rendering advisory opinions for officers and employees of municipalities within the county with respect to the GML and any Code of Ethics adopted in connection with the requirements of the GML. A uniform, standard Code of Ethics, applicable throughout the County would assist local boards in rendering consistent advice and to avoid self-dealing.

Our ongoing investigation has revealed not only the above referenced concerns, but also that the County is not in substantial compliance with GML 807 (Posting of Statute), GML 811 (Annual statements of Financial Disclosure) and also that the Code of Ethics adopted by Franklin County in 1970 requires updating to include more stringent compliance requiring its distribution to County officials. I will be requesting the County Attorney to advise our Office when the County will be in compliance with those requirements.

All materials obtained in our investigation (except those obtained through Grand Jury subpoenas) have been forwarded to the New York State Attorney General and the New York State Inspector General, as many issues raised and reviewed in our investigation are beyond our jurisdiction. These agencies have been very cooperative with our Office.

We have no additional information to disclose at this time regarding this ongoing investigation.