

Contents	Page
Purpose.....	2
Definitions/Applicability	3
General Standards of Conduct	4
Gifts.....	5
Transactions or Investments in Conflict with Official Duties	6
Outside Employment or Services.....	7
Confidential Information	8
Private Use of Public Property.....	9
Giving an Impression of Being Susceptible to Improper Influence	10
Using Official Position for Personal or Private Gain.....	11
Nepotism	12
Soliciting Political Contributions.....	13
Representing Interests before One’s Agency.....	14
Future Employment	15
Disclosing Interests	16
Recusing Oneself	17
Seeking to Avoid or Undermine the Ethics Law	18
Penalties	19
Board of Ethics Establishment and Members	20
Board of Ethics Powers.....	21
Board of Ethics Duties for Advisory Opinions.....	22
Board of Ethics Duties for Responding to Complaints.....	23
Board of Ethics Duties for Education	25
Distribution of the Ethics Law	26

Purpose

Town of Niles, Code of Ethics §24-1 (1970)

- A. Pursuant to the provisions of §806 of the General Municipal Law, the Town Board of the Town of Niles recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for the officers and employees of the Town of Niles. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Niles.
- B. The rules of ethical conduct of this article, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Village of Alden, Village Code Ch. 17 Ethics (2004)

§17-1. Purpose.

This Code establishes minimum standards of ethical conduct for Village Employees to help ensure that the business of government is free from improper influence that may result from opportunities for private gain. This law requires timely and public disclosure of interests that may influence the actions of Village employees. This Code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

§17-2. Applicability of other laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict of interest provisions or procedures prescribed by statute of the State of New York, and also in addition to common-law rules and judicial decisions relating to the conduct of Village employees to the extent that the same are more severe in their application than this Code.

Town of Owasco, Code of Ethics §11-1 (2010)

Officers and employees of the Town of Owasco hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board of the Town of Owasco recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Definitions/Applicability

Town of Cato, Code of Ethics §19-1 (1970)

This chapter applies to all officers and employees, whether elected or appointed, paid or unpaid, and to officers, members and employees of all boards, commissions or agencies of this local government.

Village of Alden, Village Code Ch. 17 Ethics §17-3 (2004)

As used in this Code, the following terms shall have the meanings indicated:

BOARD – Village Board of the Village of Alden.

CODE – Code of Ethics of the Village of Alden.

DEPENDENT – Son, daughter, stepson, stepdaughter or any other person who could be claimed as a dependent for Federal income tax purposes.

DOING BUSINESS WITH THE VILLAGE – Having or providing any contract, service, or work with the Village; buying, selling, renting, leasing, or otherwise acquiring from or dispensing to the Village any goods, services or property.

FAMILY MEMBER – Spouse, spouse's siblings, parent, parents-in-law, sibling, child, stepchild, grandparent, aunt, uncle, niece, nephew, grandchild and their spouses.

Village of Alden continued...

INTEREST:

- (1) Any activity, other than service to the Village, from which a Village Employee receives compensation for services rendered or goods sold or produced.
- (2) Any entity, other than the Village, from which a Village Employee receives compensation for services rendered or goods sold or produced; or
- (3) Any entity in which a Village Employee directly owns five percent (5%) or greater of the outstanding stock.

MINISTERIAL ACT – Any action of a Village Employee done in the ordinary course of his or her duties not requiring the use of judgment.

RECUSAL – The act or process of disqualifying oneself by reason of prejudice, bias or interest in a subject matter or action.

SPOUSE – The husband or wife of the Village Employee unless living separate and apart from the employee or separated pursuant to a judicial order, decree or judgment, or a legally binding separation agreement.

VILLAGE – The Village of Alden, any of its agencies, boards, committees or departments.

VILLAGE EMPLOYEE – Any person working for the Village of Alden, whether elected or appointed, paid or unpaid, serving in a full-time, part-time or advisory capacity.

Town of Vienna, Ethics Law §2 (2009)

- A. Unless otherwise specified, this law shall apply to all elected and appointed persons (hereinafter referred to as “Public Officers”) including, but not limited to, the Town Supervisor, all members of the Town Board, each Town Justice, the Town Attorney, all members of the Planning Board, all members of the Zoning Board of Appeals, all members of any advisory board, and any committees and/or subcommittees thereof; the Town Clerk; Tax Collector; the Highway Superintendent, the Town Engineer, the Town Planner, and the Zoning Officer/Building Inspector. This law shall also apply to all other persons either employed by or who receive compensation from the Town (hereinafter referred to as Employees).
- B. For purposes of this law, “family” shall include a person's spouse or equivalent member of a household sharing living expenses, and any of the following; child, step-child, brother, sister, parent, dependent.
- C. “Interest” shall mean a pecuniary or material benefit accruing to a public officer or employee or family member thereof.
- D. Nothing herein shall prohibit parties identified herein from engaging in the type of transaction when the prices used are for the fair market values of the property or services being transferred in the transaction.

General Standards of Conduct

Town of Niles, Code of Ethics §24-7 (1992)

It shall be the obligation of each:

- A. To respect and fulfill his obligation as a citizen and officer, and to give full faith and allegiance to his oath of office.
- B. To protect the public, in his professional capacity, from any activity which is unjust, unethical or detrimental to its best interest.
- C. To avoid any activity, business or transaction which legally or morally involves a conflict of interest with his official duties.
- D. To hold as confidential any information received as an officer of the government which could be used for personal gain, unless such information is or should be public information, is required to be public pursuant to law or the requirements of official business.
- E. To act for his government unit or supervisor as a faithful agent or trustee and never accept any remuneration or thing of value other than his salary for services rendered.
- F. To assist his colleagues in every practicable manner and to provide information helpful to fellow officers or employees.
- G. Not to act in any manner or engage in any practice which will tend to bring discredit upon the honor and dignity of the Town of Niles.

Village of Alden, Village Code Ch. 17 Ethics §17-4 (2004)

Ethics and integrity become recognized characteristics of an organization only when they exist in the people who make up the organization. For ethics and integrity to be recognized as hallmarks of Alden Village Government, each Village Employee must be committed to the following standards of conduct:

- (1) Honest, open and trustworthy in all relationships.
- (2) Reliable and consistent in conduct of assignments and responsibilities; doing that which is right rather than expedient.
- (3) Objective, constructive, and responsive in work performance.
- (4) Truthful, complete and accurate in what is said and done.
- (5) Committed. to the assignments entrusted to him or her, with accountability for what he or she does and chooses not to do.
- (6) Careful and economical in use of all Village resources.
- (7) Respect for the work of others; giving credit and refraining from criticism unless warranted.
- (8) Freedom from involvement in activities that could compromise the employee, his or her position with the Village, or the Village itself.

Achieving high standards of ethics and integrity requires hard work, courage, and making difficult choices. Consultation among fellow employees, supervisors, elected officials and/or the Village Board of Ethics may be necessary to determine a proper course of action. To this end, Village Employees must be committed to working together to earn the confidence of the Village residents, fellow employees and those doing business with the Village.

Gifts

Town of New Lebanon, Code of Ethics §6(k) (2009)

Same as NYS General Municipal Law §805-a(1)(a)

No town officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of Seventy-Five Dollars (\$75.00) or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under such circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

Town of Vienna, Ethics Law §3 (2009)

- A. Public officers, employees, their spouse/equivalents, or any person or entity acting on their behalf may not solicit or accept monetary gifts of service, entertainment, goods or promise thereof, from any person or agent of a person, corporation, partnership, unincorporated association or other entity who the public or employee knows or is considering or has had, within the previous 12 months, any business dealing with the Town of Vienna that involves any discretionary act by the public officer or employee.
- B. Refreshments or meals that are provided as part of an informational presentation in a group setting, as part of a reception, or by an agency or educational institution sponsored seminar class or training session, or gifts given to the Town of Vienna for the benefit of the Town shall not be considered gifts under this section.

Town of Owasco, Code of Ethics §11-17 (2010)

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of §805-a(1)(a) of the General Municipal Law as interpreted in this section.
- B. No municipal officer or employee may directly or indirectly solicit any gift.
- C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of \$75 or more when:
 - (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) The gift is intended as a reward for any official action on the part of the officer or employee.
- D. For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment or any other benefit is the face value of the ticket or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

Town of Owasco continued...

- E. Gifts presumed to be intended to influence or reward.
 - (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.
- F. This section does not prohibit any other gift, including:
 - (1) Gifts made to the municipality;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on special occasions, such as marriage, illness or retirement, which are modest, reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads and calendars;
 - (5) Awards and plaques having a value of \$75 or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community.

Transactions or Investments in Conflict with Official Duties

Town of Cato, Code of Ethics §19-2(A) (1970)

No officer, employee or member of a board, commission or agency shall knowingly:

- A. Engage in any business or transaction or have any personal or financial interest, direct or indirect, which is incompatible with the proper discharge of his duties or would tend to impair his independence of judgment or action in the performance of his official duties or the discharge of his official responsibilities.

Village of Alden, Village Code Ch. 17 Ethics §17-6(J) (2006)

No Village Employee shall enter into an agreement with the Village to purchase goods or services having a value in excess of Five Hundred Dollars (\$500.00) per year from the employee, the employee's family member, or a company in which the employee has an interest unless: a) those goods or services are provided by the employee following a competitive bidding process, and b) the employee providing the goods or services files a Transactional Statement of Disclosure as prescribed in this Code.

Town of Vienna, Ethics Law §6(D) (2009)

No public officer or employee acting as a representative of the Town of Vienna or any subdivision thereof shall engage in any transaction with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties. Should any immediate family member hold any financial interest in any firm involved in such transaction that information shall be disclosed to the Board of Ethics before such transaction is initiated.

Town of New Lebanon, Code of Ethics §6(a)-(c) and (h) (2009)

- (a) No town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.
- (b) No town officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, whether individually or as a member of a board, nor shall any such town officer or employee have the power or duty to negotiate, prepare, authorize or approve such contract or payments thereunder, audit bills or claims under such contract or appoint an officer or employee who has any of the powers or duties set forth herein.
- (c) No chief fiscal officer, treasurer or deputy or employee of the Town shall have an interest in a bank or trust company designated as a depository of funds of the municipality. This subsection does not prohibit ownership of up to five percent of the outstanding shares of such bank or trust company.
- (h) Each town officer or employee shall refrain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

Village of Moravia, Code of Ethics §1 in part (2009)

No Official/Employee may take action that provides a financial or other personal benefit to the official, relatives, customers, clients, and employer, or a person who has made campaign contributions to the official within a twelve (12) month period.

Town of Owasco, Code of Ethics §11-8 (2010)

- A. No municipal officer or employee may acquire the following investments:
 - (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under §11-6 of this chapter; or
 - (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 - (1) Real property located within the municipality and used as his or her personal residence;
 - (2) Less than 5% of the stock of a publicly traded corporation; or
 - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Outside Employment or Services

Town of Cato, Code of Ethics §19-2(B) (1970)

No officer, employee or member of a board, commission or agency shall knowingly:

- B. Engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

Village of Alden, Village Code Ch. 17 Ethics §17-6(A) (2006)

No Village Employee shall accept other employment which will impair the employee's independence of judgment in the exercise of the employee's official duties.

Village of Moravia, Code of Ethics §7 (2009)

An Official/Employee shall not solicit, negotiate for or commit to accept private employment from any person doing business with or having any matter pending with the Village.

Village of Moravia, Code of Ethics §12 (2009)

An Official/Employee is prohibited from holding more than one position with the Village when the duties of the positions conflict.

Town of Owasco, Code of Ethics §11-9 (2010)

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services when the employment:

- A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to §11-6 of this chapter;
- B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- C. Violates §805-a(1)(c) or (d) of the General Municipal Law; or
- D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Confidential Information

Town of Cato, Code of Ethics §19-2(C) (1970)

No officer, employee or member of a board, commission or agency shall knowingly:

- C. Disclose confidential information concerning the property, government or affairs of the governmental body by which he is employed without proper legal authorization or use such information to advance the financial or other private interest of himself or others.

Town of Vienna, Ethics Law §5 (2009)

No public officer or employee whether paid or unpaid, shall discuss any confidential information acquired by him/her in the course of his/her official duties, nor use such information to advance his/her financial or other private interests or those of any other persons, including his/her family.

No public officer or employee shall discuss any Town of Vienna executive session information in a venue inappropriate to such discussions e.g.; bars, restaurants or public gatherings not sponsored by the Town.

Public officers and others attending Executive Sessions of the Town must refrain from discussing any information regarding Executive Sessions with anyone not approved by the Town Board of the Town of Vienna.

Violations of any part of this section will be referred to the Ethics Board for investigation and recommendations as listed in section 14 of this law.

Town of Vienna, Ethics Law §6(B) (2009)

No public officer or employee shall accept employment or engage in any business or professional activity which will require him/her to disclose confidential information gained by reason of official position or authority.

Town of Owasco, Code of Ethics §11-16 (2010)

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Private Use of Public Property

Town of Cato, Code of Ethics §19-4 (1970)

No officer, employee or member of the government or of any board, commission or agency to which this Code of Ethics applies shall use property owned by such governmental body for personal benefit, convenience or profit except in accordance with policies promulgated by the Legislature or governing body of such board, commission or agency.

Village of Alden, Village Code Ch. 17 Ethics §17-6(I) (2006)

No Village Employee shall use any Village personnel or any Village owned or leased equipment, materials, supplies or property for personal gain or benefit to the employee, the employee's family member or any other entity, except those which are generally available to all the citizens of the Village. Nothing herein shall limit the Village's ability to assist the volunteer fire department that encompasses the Village.

Village of Moravia, Code of Ethics §4 (2009)

No Official/Employee may use Village-owned property, assets, or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.

Giving an Impression of Being Susceptible to Improper Influence

Town of New Lebanon, Code of Ethics §6(i) (2009)

Each town officer or employee shall pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust.

Town of Vienna, Ethics Law §6(E) (2009)

No public officer or employee shall by his/her conduct give reasonable basis for the impression that another can improperly influence him/her or unduly enjoy his/ her favor in the performance of his/her official duties or that he/she is affected by kinship, rank, position or influence of any party or person.

Village of Moravia, Code of Ethics §2 (2009)

An Official/Employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.

Using Official Position for Personal or Private Gain

Village of Hamlin, Code of Ethics §36-6(C) (1970)

No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

Village of Alden, Village Code Ch. 17 Ethics §17-6(G) (2006)

No Village Employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself/herself or others.

Town of Owasco, Code of Ethics §11-4 (2010)

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest.

Nepotism

Village of Moravia, Code of Ethics §5 (2009)

Spouses and other family members of the Official/Employee may not serve in positions whose duties conflict or appear to conflict within the duties of the Official/Employee. They may not serve on a commission, board or body of which the Official/Employee is a member.

Town of Owasco, Code of Ethics §11-14 (2010)

Except as otherwise required by law:

- A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Soliciting Political Contributions

Town of Owasco, Code of Ethics §11-15 (2010)

- A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Representing Interests before One's Agency

Town of Niles, Code of Ethics §24-3(C)-(D) (1970)

Every officer or employee of the Town of Niles shall be subject to and abide by the following standards of conduct:

- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Village of Alden, Village Code Ch. 17 Ethics §17-6(C) (2006)

No Village Employee, for a period of five (5) years after termination of service with the Village, shall appear before the Village, except on his or her own behalf, in relation to any case, proceeding or application in which the employee participated, unless specifically requested by the Village Board.

Village of Moravia, Code of Ethics §8 (2009)

An Official/Employee shall not appear on behalf of, or represent a person in any matter before a municipal agency except on his/her own behalf.

Town of Vienna, Ethics Law §4(A) (2009)

Furthermore, no public officer or employee or member of any Board serving the Town of Vienna shall:

- A. Appear as attorney or counselor representative against the interests of the Town in any matter in which the Town is a party or complainant, without the written consent of the Town Board;

Future Employment

Town of Niles, Code of Ethics §24-3(G) (1970)

Every officer or employee of the Town of Niles shall be subject to and abide by the following standards of conduct:

- G. He shall not after the termination of service or employment with such municipality, appear before any board or agency of the Town of Niles in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

Village of Moravia, Code of Ethics §11 (2009)

No Official/Employee who has left municipal service shall appear before or receive compensation in a matter before his/her former agency for a period of one (1) year after departure. He/she is permanently barred from appearing or receiving compensation regarding a matter he/she was personally involved in as a Village Official/Employee.

Town of Owasco, Code of Ethics §11-10 (2010)

- A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- B. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- C. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Disclosing Interests

Town of Cato, Code of Ethics §19-3 (1970)

Any officer or employee of the government or of a board, commission or agency who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of government shall disclose such private interest to the legislative body. Any member of the legislative body who has a private interest in any matter pending before the Legislature shall disclose such private interest on the records of the Legislature and shall disqualify himself from participating in any decision or vote relating thereto.

Town of New Lebanon, Code of Ethics §6(j) (2009)

Each town officer or employee shall disclose any interest of which he is aware in any matters pending before any board of the Town.

Town of Vienna, Ethics Law §4 in part (2009)

Any Town Board Member, Town Officer, Town employee or Town Consultant who has any financial interest, direct or indirect, in any contract with the Town, or in the sale of any land, material, supplies or services to the Town or in any contractor supplying the Town, shall make the interest known, in writing, to the Town Board and the Board of Ethics no later than April 30 of each year. Any unknown interest shall be disclosed immediately upon become aware of the interest.

Town of Vienna, Ethics Law §6(F) (2009)

Personal investments made by an immediate family member who, if made by one of the individuals noted above would create a conflict of interest, shall be made known to the Ethics Board.

Village of Moravia, Code of Ethics §1 in part (2009)

Officials/Employees will disclose annually and in writing any relationships with other organizations or entities with which it is reasonable to assume a conflict of interest may exist in the year of the disclosure. The Village Board of Trustees will confer with the Official/Employee to determine the most acceptable course of action to mitigate such conflict.

Town of Owasco, Code of Ethics §11-5 (2010)

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing, the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Recusing Oneself

Town of Cato, Code of Ethics §19-2(E) (1970)

No officer, employee or member of a board, commission or agency shall knowingly:

- E. Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.

Village of Moravia, Code of Ethics §3 (2009)

An Official/Employee must recuse himself/herself when faced with the above conflicts.

Town of Vienna, Ethics Law §7 (2009)

- A. Whenever a public officer or employee is called upon to vote on, advise on, or otherwise take discretionary action on a matter before the Town, and either the performance or nonperformance of such action would provide a monetary or material benefit to: him/herself, his/her family; persons, businesses, or other entities. The officer or employee shall immediately declare the nature of the conflict of interest, and shall refrain from taking any action or inaction that would affect the outcome of the matter. Such declaration shall be made a part of the public record concerning the matter.
- B. Interpretation. All instances involving the appropriateness of abstention from discussion and voting by a member of a board by virtue of conflict of interest may be referred to the Ethics Board, who will render an opinion on the existence of conflict of interest within 30 days. Such interpretive opinion may be requested by any member of the Board.
- C. Whenever any board member becomes aware of a possible conflict of interest involving such board member or any other board member, he or she may raise the issue at the meeting and request the matter be referred to the Ethics Board hereafter created.

Town of Owasco, Code of Ethics §11-6 (2010)

- A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative or any private organization in which he or she is deemed to have an interest.
- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
 - (4) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board.
 - (5) If the power or duty is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
 - (6) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Seeking to Avoid or Undermine the Ethics Law

Town of New Lebanon, Code of Ethics §6(n) (2009)

No Town officer shall knowingly act contrary to a lawful resolution or motion duly adopted by the Town Board.

Village of Alden, Village Code Ch. 17 Ethics §17-6(K) and (L) (2006)

- K. No Village Employee shall induce or assist another official or employee of the Village to violate any provisions of this Code.
- L. No Village Employee shall knowingly transfer any asset, interest or property for the purpose of concealing same from the disclosure required by this Code, while retaining an equitable interest therein.

Penalties

Village of Alden, Village Code §17-8 (2004)

- A. The Board of Ethics may recommend a civil penalty in an amount of up to ten thousand dollars (\$10,000.00) against any Village Employee who knowingly and intentionally files a disclosure statement with intent to deceive or to otherwise fraudulently misrepresent or withhold material information, and such deception or misrepresentation is found to be both intentional and material.
- B. The Board of Ethics may recommend a warning, reprimand, suspension or removal from office or employment, and/or a civil penalty in an amount up to one thousand five hundred dollars (\$1,500.00) to any Village employee who knowingly and willfully:
 - (1) Fails to file, in a timely manner, any required statement(s) of disclosure.
 - (2) Violates any other prohibition contained in this law. The employee may also be liable in damages to the Village for any loss or increase in cost incurred by the Village because of said violation.
- C. For any violation of this law, the Village Board may in addition to the above:
 - (1) Impose a civil forfeiture of up to three times the financial value of any benefit derived from the violation.
 - (2) Refer the matter to the appropriate prosecutor.
- D. Upon the recommendation of the Board of Ethics or upon its own motion, the Village Board may impose additional disciplinary action as allowed by law.
- E. Any person aggrieved by a final decision made under this Code may seek judicial review pursuant to Article 78 of the CIVIL PRACTICE LAW AND RULES.

Town of New Lebanon, Code of Ethics §8 (2009)

- (a) Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this Local Law may be warned or reprimanded or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, or other authorized sanction may be imposed in addition to any other penalty contained in this Local Law or in any other provision of law.
- (b) Damages. A Town officer or employee who violates any provision of this Local Law shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Local Law, other than a civil forfeiture pursuant to subdivision (c) of this section.
- (c) Civil forfeiture. A Town officer or employee who intentionally or knowingly violates any provision of this Local Law may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this Local Law, other than a civil fine pursuant to subdivision (c) or damages pursuant to subdivision (b) of this section.
- (d) Violation. A Town officer or employee who intentionally or knowingly violates any provision of this Local Law may be guilty of a Violation and be subject to a maximum fine of \$250 for each such violation or a 15 day term of imprisonment or both.

Town of Lebanon continued...

- (e) Enforcement. With the exception of subsection (a) above, the Town Board shall have exclusive jurisdiction to enforce the provisions of Section 6 by commencing an action in a court of competent jurisdiction in furtherance of such enforcement.

Town of Vienna, Ethics Law §14(A) (2009)

Penalties:

- (1) If the offender is an Elected Official or Employee of the Town of Vienna, that person shall be fined a minimum of 1/52 of their annual salary or to the total amount of financial benefit incurred.
- (2) If the offender is a paid employee of the Town of Vienna covered by a Union contract that offender will be fined as indicated above, unless otherwise defined by such contract.
- (3) If the offender is an appointed member of any committee, they shall be removed from that committee and permanently barred from any future appointments in the Town of Vienna. They will also be fined as indicated above.

Village of Moravia, Code of Ethics §13 (2009)

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Board of Ethics Establishment and Members

Village of Alden, Village Code Ch. 17 Ethics §17-8(A)-(J) (2004)

- A. There is hereby established a Village of Alden Board of Ethics.
- B. The Board of Ethics shall consist of three (3) members each having a three (3) year term of office. Initially, one (1) member shall serve until December 31st of the first year; one (1) member shall serve until December 31st of the second year; and one (1) member shall serve until December 31st of the third year. No members shall serve for more than four (4) consecutive three (3) year terms.
- C. Members shall be appointed by the Village Board. In the event a vacancy occurs prior to the expiration of any term, the Village Board, within three (3) months, shall fill the vacancy for the balance of the term in the same manner as members are appointed to full terms. All members shall reside in the Village of Alden and serve without compensation, except for necessary and reasonable expenses.
- D. Only one (1) member shall be a Village Employee.
- E. The members of the Board of Ethics shall elect a Chairperson, vice Chairperson and Secretary at its first meeting of each year.
- F. The Board of Ethics shall meet at least quarterly. Additional meetings may be called by the Chairperson or a majority of all the members upon written seven (7) day notice to the remaining members of the Board of Ethics. A majority of the Board of Ethics, then appointed shall constitute a quorum.

Village of Alden continued...

- G. One (1) member shall be selected annually by lot for purposes of conducting preliminary investigations of complaints and report back to the full Board of Ethics. Alternatively, the Village Attorney may be called upon by the full Board to conduct any necessary investigations.
- H. Meetings of the Board of Ethics shall be open to the public, except meetings called to review disclosure statements, render advisory opinions, or to act upon complaints filed with the Board of Ethics. A meeting that would otherwise be closed may be opened upon the request of the employee whose matter is being discussed.
- I. A Board of Ethics member may be removed by the Village Board after:
 - (1) Receipt of written notice of allegations of neglect of duty, gross misconduct, inability to discharge the powers and duties of the office or violation of this Code,
 - (2) An opportunity to reply, and
 - (3) A finding of neglect of duty, gross misconduct, inability to discharge the powers and duties of the office or violation of this Code.
- J. The Board of Ethics shall adopt and implement rules and regulations necessary for the internal implementation of this Code. It shall conduct its affairs in accordance with the New York State Administrative Procedure Act and General Municipal Law.

Town of New Lebanon, Code of Ethics §9(a) (2009)

There is hereby established a Board of Ethics consisting of at least five (5) members who three shall constitute a quorum to be appointed by the Town Board, all of whom reside in the Town of New Lebanon and who shall serve without compensation for a term of five (5) years. A majority of such members shall be persons other than town officers or employees but shall include at least one member who is an appointed town officer or employee of the Town of New Lebanon.

Town of Owasco, Code of Ethics §11-18(A) (2010)

There is hereby established a Board of Ethics for the municipality. The Board of Ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board of Ethics shall be appointed by the Town Board of the Town of Owasco, serve at the pleasure of the appointing authority and receive no salary or compensation for their services as members of the Board of Ethics.

Board of Ethics Powers

Village of Alden, Village Code Ch. 17 Ethics §17-8(K) (2004)

The Board of Ethics shall possess, exercise and enjoy all the rights, powers, and privileges necessary to the enforcement of this Code of Ethics and as granted by the Village Board.

Town of New Lebanon, Code of Ethics §10 (2009)

- (a) The Board of Ethics may only act with respect to officers and employees of the Town.
- (b) The termination of a municipal officer’s or employee’s term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on the officer or employee by this Local Law.
- (c) The Board of Ethics shall have the following powers and duties:
 - i. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Local Law;
 - ii. To review, index, maintain on file, and respond to written complaints and to make notifications and conduct investigations pursuant to Section 11 of this Local Law;
 - iii. To render, index, and maintain on file advisory opinions and/or other necessary records pursuant to section 9(b) of this Local Law;
 - iv. To provide training and education to Town officers and employees pursuant to section 13 of this Local Law;
 - v. To prepare an annual report and recommend changes to this Local Law pursuant to section 14 (a) of this Local Law; and
 - vi. To provide for public inspection of certain records pursuant to section 15 of this Local Law.

Town of Vienna, Ethics Law §11 (2009)

- The Board of Ethics shall have the following powers:
- A. To prescribe and promulgate rules and regulations governing its own organization and procedures in a Jllanner consistent with this Code.
 - B. To cause to be filed with the State Ethics Commission a copy of the form for any disclosure statements required to be filed in Section 3 of this Code.
 - C. To conduct investigations of alleged violations of Sections 3, 4, 5 and 6 of this Code.
 - D. To conduct hearings, recommend disciplinary action, or penalties, and initiate appropriate actions and proceedings pursuant to Section 12 of this Code.
 - E. To issue advisory opinions pursuant to Sections 3, 4, 5 and 6 of Code.
 - F. To provide training and education to public officers and employees on the provisions of this Code of Ethics.
 - G. To prepare an annual report to the Town Board, summarizing the activities of the Board of Ethics and recommend changes to the Code, as necessary.
 - H. The Board of Ethics may refer any matter within its jurisdiction to the County or State Board of Ethics.
 - I. To grant a waiver in those situations if the Board of Ethics believes the exception would serve the public interest upon a unanimous vote of the Board of Ethics. Waivers shall be in writing and state the grounds on which they are granted.

Board of Ethics Duties for Advisory Opinions

Village of Alden, Village Code Ch. 17 Ethics §17-10(A) (2006)

- (1) Upon written request, the Board of Ethics shall render advisory opinions to any Village employee, to any Village agency, board, committee or department, or to entities seeking to do or doing business with the Village, as to questions or situations regarding the application of this Code.
- (2) A request for an advisory opinion shall not be made public.
- (3) Advisory opinions rendered by the Board of Ethics shall not be made public. However, if the Board of Ethics decides that the opinion rendered may benefit other employees of the Village, the Board of Ethics shall prepare and publish a summary of such opinion. All references to specific persons, places or the like shall be deleted before the opinion is made public.
- (4) Opinions that are not made public pursuant to the above procedure shall be redacted in accordance with the procedure set forth above and shall remain accessible to the Board of Ethics to guide it in future deliberations.

Town of Vienna, Ethics Law §15 (2009)

- B. Upon written request of any board, department, or individual public officer, employee or any applicant, the Ethics Board may render written advisory opinions with respect to the interpretation or application of any provision of this Code.
- C. Opinions and requests for opinions shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Ethics Board along with all other Ethics Board records in the office of the Town Clerk.

Town of Owasco, Code of Ethics §11-18(B) (2010)

The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Owasco with respect to Article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town Board.

Board of Ethics Duties for Responding to Complaints (Page 1)

Village of Alden, Village Code §17-10(C) (2006)

- (1) The Board of Ethics shall receive, review, investigate, determine and act upon any written complaint alleging violations of this Code. A complaint must be signed by the person or legal entity alleging a violation of this Code.
- (1) The Board of Ethics shall refer a complaint to the individual investigator which will investigate and report back to the Board of Ethics.
- (2) Upon receiving the report of the Review Committee, the Board of Ethics shall dismiss the complaint if no credible evidence is found to support it. If credible evidence is found to support the complaint, a full formal hearing of the Board of Ethics must be held with written notice to all interested parties.
- (3) The employee who is the subject of the complaint must receive written notice of a full hearing of the Board of Ethics and appear. Any notice and hearing pursuant to this paragraph shall be governed by the provisions of the New York State Administrative Procedures Act as to such matters as proper notice and right to counsel, among others.
- (4) If the Board of Ethics finds the complaint not supported by a preponderance of credible evidence, the complaint must be dismissed and shall not be made public. If the complaint is found to be supported by a preponderance of credible evidence, the Board of Ethics shall make a determination, setting forth its reasons, recommend a penalty, and forward it to the Village Board for consideration.
- (5) A written decision must be prepared for every complaint and shall include a summary of the evidence or information upon which the Board of Ethics based its decision and its recommendations.

Town of Vienna, Ethics Law §12-14 (2009)

Section 12: Filing of a Complaint

Any person may file a sworn complaint alleging a violation of this code by writing to the Town "Ethics Board c/o Town Hall or by requesting through the Town Clerk's Office to meet with the Ethics Board at one of its regularly scheduled meetings.

Section 13: Investigation of alleged violations.

- A. Upon receipt of a sworn complaint by any person alleging any violation of this act, or of any local ethics law, or upon determining on its own initiative that a violation of this act or of any local ethics law may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this act. The Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.
- B. The accused shall be notified in writing regarding the complaint and shall have the right to appear before the Board of Ethics to explain or define his/her position regarding the complaint.
- C. The Board of Ethics shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. Upon the final disposition of a complaint, all such decisions shall be public records and shall be indexed and maintained on file by the Board of Ethics. Prior to final disposition, all complaints and statements shall remain confidential. Any other evidence submitted either in support of or contrary to such complaint shall remain confidential. Prior to releasing any decision as a public record, any party named in a decision shall have thirty (30) days in which to petition a court of competent jurisdiction for sealing of same.

Town of Vienna continued...

- D. Upon receipt of a complaint alleging a violation of this local law by an individual that is a member of an association or society that maintains a grievance committee and has a grievance procedure in effect, the Board of Ethics shall forward the said complaint to the said grievance committee for an advisory opinion of any violation of the association or society code of ethics. Upon receipt of the advisory opinion, the Board of Ethics shall adopt, reject or adopt in part, the advisory opinion of the association or society and shall thereafter render its own decision.
- E. All decisions of the Board of Ethics shall be reviewable by filing of a petition pursuant to Article 78 of the New York State Civil Practice Laws and Rules in the Supreme Court of the State of New York, within the time limits set forth in said Laws and Rules.

Section 14: Recommendation of Disciplinary Action.

In its discretion, and after a hearing, the Board of Ethics may recommend appropriate disciplinary action for any violation of this law to the Town Board or any other person or body authorized by law to impose such sanctions. The Board of Ethics shall conduct and complete the hearing with reasonable promptness, unless in its discretion, the Board of Ethics refers the matter to another authority authorized by law to impose disciplinary actions, or to the appropriate prosecutor.

Board of Ethics Duties for Responding to Complaints (Page 2)

Town of New Lebanon, Code of Ethics §11-12 (2009)

SECTION 11: Investigations.

- (a) Upon receipt of a written complaint by any person alleging a violation of this Local Law, or upon determining on its own initiative that a violation of this Local Law may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this Local Law.
- (b) The Board of Ethics shall state in writing the disposition of every written complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Board. The Town officer or employee who was under investigation shall be notified of the outcome of the investigation in writing within thirty (30) days of the Board's decision.
- (c) Any person filing a written complaint shall be notified of receipt of said complaint within thirty (30) days of receipt stating that the matter is under investigation or not under investigation. Such person shall also receive notification that a complaint under investigation has been completed within thirty (30) days of completion.
- (d) Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a written complaint alleging that the Board or any of its members or staff has violated any provision of this Local Law, or any other law, the Board shall promptly transmit to the Town Board a copy of the written complaint. In such instance, the Town Board shall have all of the powers and duties of the Board of Ethics as set forth in this Section of this Local Law.

Town of New Lebanon continued...

SECTION 12: Hearings, assessment of penalties, and disciplinary action.

In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend appropriate disciplinary action pursuant to Section 8 of this Local Law. The recommendation of the Board of Ethics shall be made to the Town Board. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board.

Judicial Review. Any person aggrieved by a decision of the Board of Ethics or the Town Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

Village of Hamlin, Code of Ethics §36-8(F) (1970)

Meetings; rules and regulations; records.

The Board shall hold an annual organizational meeting, at which time the members shall elect a Chairperson, and shall promulgate its own rules and regulations as to its forms and procedures. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Town Clerk. The Board shall maintain a record of its opinions and proceedings.

Note: The Town of Hamlin does not specify in its local law the procedures for responding to complaints, but instead directs the Board of Ethics to promulgate its own rules and regulations. A four-page document on Hamlin's Board of Ethics Complaint Procedures is available. Our model local law could follow this format.

Board of Ethics Duties for Education

Village of Alden, Village Code Ch. 17 Ethics §17-10(D) (2006)

The Board of Ethics shall assist with compliance with this Code by:

- (a) Responding to written requests submitted by Village Employees as to the meaning of any portion of the Ethics Code.
- (b) Developing training programs and materials on provisions and the intent of this Code for education of Village Employees and residents, as directed by the Village Board.

Town of New Lebanon, Code of Ethics §13 (2009)

Educating officials and the public on Article 18 of the General Municipal Law and the local ethics laws are among the most important functions of a Board of Ethics. Therefore, the Board of Ethics shall:

- (a) Make information concerning this Local Law and Article 18 of the General Municipal Law available to the officers and employees of the Town, to the public, and to persons interested in doing business with the Town; and
- (b) Develop educational materials and an educational program for the officers and employees of the Town on the provisions of this Local Law and on Article 18 of the General Municipal Law.

Distribution of the Ethics Law

Town of Vienna, Ethics Law §16 (2009)

- A. Within ten (10) days of this law’s enactment, the Town Clerk shall post a copy of this law conspicuously and permanently in the Town Hall in a manner allowing public perusal of its provisions. Copies of the law shall also be made available by the provisions. Copies of the law shall also be made available by the Town Clerk to members of the public upon request under request under provisions of the Freedom of Information Law, at a charge of \$.25 per page.
- B. Within Thirty (30) days of this law's enactment, the Town Clerk shall distribute a copy of this law to all public officers and employees identified in Section 2. Each public officer and employee elected or appointed thereafter shall be given a copy of this law before entering upon the duties of his or her office, and shall execute an acknowledgement of receipt of same.
- C. The Town Clerk shall distribute copies of this law to the members of the Ethics Board upon their taking office.

Village of Moravia, Code of Ethics §13 (2009)

- (a) The Village Clerk of the Village of Moravia shall cause a copy of this Code of Ethics to be distributed to every Official/Employee of the Village within thirty (30) days after the effective date of this chapter. Each Official/Employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.
- (b) The failure to distribute any copy of the Code of Ethics or failure of any Official/Employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of the provisions thereof.

Town of Owasco, Code of Ethics §11-19 (2010)

- A. The Town Supervisor of the Town of Owasco must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality’s control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.
- B. The Town Supervisor of the Town of Owasco must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Owasco.
- C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk of the Town of Owasco who must maintain such acknowledgments as a public record.
- D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof, in writing, does not affect either the applicability or enforceability of the code or amendment to the code.