

Opinion 2020-3 (Citizen Complaint re Lederer-Plaskett v. Jones)

On June 12, 2019, Mr. Rodney Lederer-Plaskett, a resident of the town of Greenburgh, filed a complaint with the Greenburgh Board of Ethics against Councilman Kenneth Jones alleging violation of the Code of Ethics in that Councilman Jones should have recused himself from any town decisions involving the Bozeman Law Firm as recommended by the Board of Ethics on May 8, 2018.

Mr. Lederer-Plaskett submitted an amended complaint to the Board of Ethics on August 20, 2019.

Pursuant to Section 6 (a)(b) of the Board of Ethics' Internal Rules and Regulations, the BOE had determined that it received a properly verified complaint, and at its meeting on July 23, 2019, the BOE made a preliminary determination of good cause to proceed to investigate with an initial Phase 1 investigation.

During the pendency of the Phase 1 investigation, the BOE, while experiencing a lack of a quorum due to the unexpected resignation of two BOE members and the illness of another, was powerless to move forward with its investigation until January 2020, at which time the BOE once again had a quorum.

The BOE received an Affirmation in Opposition from Councilman Jones dated September 12, 2019. Once the BOE had a quorum, it voted to send interrogatories to Councilman Jones and Mr. Lederer-Plaskett. The BOE is in receipt of Response to Interrogatories from Councilman Jones. Mr. Lederer-Plaskett, after several requests for additional time to respond, which were not objected to by Mr. Jones and which were granted by the BOE, finally received a response on May 15, 2020. Contained therein was correspondence dated April 25, 2018, which Mr. Lederer-Plaskett sent to the Attorney General of the State of New York requesting an investigation parallel to the investigation subsequently brought to the Board of Ethics of the Town of Greenburgh. Mr. Lederer-Plaskett states in his May 15, 2020 Response to Interrogatories that Exhibits 1 through 10, attached to his BOE complaint and interrogatories, were also sent to the Attorney General.

Further, Mr. Lederer-Plaskett states, "When confirming the receipt of said letter by the Attorney General, and subsequent inquiries into the status of the investigation, I was told that they would only contact me if they terminated the investigation. I have not been informed that the investigation has been terminated and, therefore, believe that it's continuing."

At its meeting on May 21, 2020, upon learning that a similar investigation was ongoing in the office of the Attorney General of the State of New York, the BOE concluded that had Mr. Lederer-Plaskett informed the BOE of his Attorney General complaint when bringing his Citizen Complaint to the BOE, the BOE would have deferred all action on the Citizen Complaint pending the outcome of the Attorney General's investigation.

A motion was made at the meeting of May 21, 2020, and unanimously approved, to suspend and reserve any further action on Mr. Lederer-Plaskett's Citizen Complaint until such time the BOE is made aware the Attorney General of the State of New York has completed its investigation, with leave for Mr. Lederer-Plaskett to renew his complaint at that time.