



Tompkins County Legislature

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December 14, 2022

Aaron O. Lavine, Esq.
City of Ithaca Attorney
Office of the City Attorney
108 East Green Street, 4th Floor
Ithaca, New York 14850

Re: Ethics Investigation (Complaint of Cynthia L Brock)

Dear Aaron:

I have reviewed your recent letter to Paul G. Ferrara, Esq., dated December 3, 2022, in which you make several accusations concerning the Tompkins County Ethics Advisory Board and specifically against me. I feel compelled to personally respond to those unfounded accusations.

Initially, I wish to point out that pursuant to the Tompkins County Ethics Code, the Ethics Advisory Board requires that one member of the Board be a member of the County Legislature. I am that County Legislator. However, none of the four other members may be an elected or appointed official of Tompkins County. The other four members of the Board serve as volunteers. Under New York law, the Board is required to “receive, review and hear” all signed complaints alleging ethical violations and render advisory opinions. This necessarily involves a fact-finding and investigative process of the allegations and all related issues. The Board requires a supermajority of four votes to make any decisions or determinations. This includes if there is any basis for investigating allegations within a signed ethics complaint. Moreover, a supermajority of four votes is necessary to approve any advisory, non-binding opinions at the conclusion of any investigation. My opinions carry no magnified or extra weight with the Board.

I make no secret of the fact that, as an elected official, it is part of my responsibilities to pay attention to public events, to form opinions on current public matters and when appropriate, express those opinions. As a County Legislator, I was involved with the Reimagining Public Safety process from its inception. Because this was a joint City and County effort, I frequently



Inclusion through Diversity

and necessarily communicated with many of my colleagues and those in City government about a lot of different pieces of RPS. I have voted on several aspects of RPS during the process, which are matters of public record. While immaterial to your accusations, I have consistently supported RPS and firmly believe in the importance of its goal of building public trust.

With that said, I did not have any involvement with any of the alleged actions or omissions of the City government which are the subject of Ms. Brock's complaint or under review by the Ethics Advisory Board. To the extent the Board's inquiry touches upon any County involvement, decisions about procurement were handled by the County Administration. Early on, I did, together with all of the other Legislators, vote in favor of a resolution that named the Center for Policing Equity as a consultant.

I admittedly had concerns about certain aspects of the RPS process, which were brought to light last winter and spring. I had my concerns exactly because of my connection with the process. However, I did not learn anything that was not already public information. As certain issues were raised, I did speak with Alderperson Brock. I did write a proposed op-ed piece of my own and was invited to comment on hers. My comments were based solely on public information available at that time. My focus at that time was on the importance of transparency and maintaining legitimacy in the implementation of the RPS initiatives. I continue to hold those beliefs and stating them earlier this year, or now, would not seem controversial. I am unclear which of my comments on the op-ed you feel are improper.

In any event, at the time I communicated with Ms. Brock, I was unaware that she was considering filing an ethics complaint with any agency, let alone the Tompkins County Ethics Advisory Board. I was also unaware at that time that if Ms. Brock filed a complaint, it would be referred to the County Ethics Advisory Board. When I learned Ms. Brock intended to file a complaint with the Ethics Advisory Board, I immediately informed her that I could not have any further communications with her on this subject and she should communicate with the County Attorney. I have not had any further communications with Ms. Brock about the complaint other than when she appeared before the Board during the initial stages of the investigation.

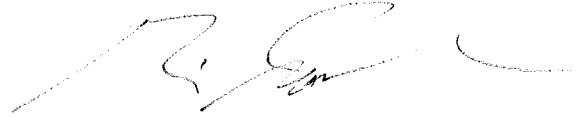
It is important to dispel any insinuation that I somehow coordinated any filing of **any** ethics complaint before any agency, authority, board, or panel with Ms. Brock. I did not. As far as I know, it was her decision alone. I furthermore adamantly deny that I somehow conspired with anyone. Your accusation is entirely false.

I want to emphasize that **all** members of the Board, including myself, are firmly committed to a full, fair, and unbiased investigation of the allegations and issues raised in Ms. Brock's complaint. We have made the investigation as transparent as possible. This includes posting all responses and documents we have received from various sources. We are still in the investigative process and have not made any final determinations. Towards that end, as we have repeatedly made clear to you, it would be helpful for the City to cooperate with the Board's investigation. This includes meeting with the Board and providing the requested information which is within the City's knowledge and control.

Based on the reasons discussed, and the limited impact of an advisory, non-binding opinion which has no legal impact on the City, I do not believe that I have any conflict of interest which prevents me from continuing in this process. Nonetheless, I believe it is in the public's interest for the City and the Board to cooperate in the process. As such, the Board is more than willing to meet with you and discuss any concerns you or the City might have.

Very truly yours,

TOMPKINS COUNTY ETHICS ADVISORY BOARD

A handwritten signature in black ink, appearing to read 'Rich John', is written over a horizontal line.

Rich John, Chairman

/rj