

Code of Conduct

for Members of New York State Downtown Revitalization Initiative Local Planning Committees

INTRODUCTION

Thank you for having agreed to be a member of a Downtown Revitalization Initiative (DRI) Local Planning Committee (Committee). As a Committee member, you will develop and recommend projects, programs, and policies that your community may embrace to revitalize its downtown. If accepted, these recommendations could influence millions of dollars of public and private investment.

Governor Andrew M. Cuomo is committed to ensuring that all people involved in state programs are dedicated to the public interest. As a Committee member, you must always serve and act in the public interest. To help guide your service and actions, remember DAD. DAD stands for: Disclose conflicts of interest; Act in the public interest; and Disqualify if necessary. If you keep DAD in mind, you should not have any issues. But if you do have issues or questions, ask the General Counsel of the Department of State, who is the Program Ethics Officer.

The Downtown Revitalization Initiative Local Planning Committee Code of Conduct follows. Please sign and return it to your Program contact before entering upon your duties as a Committee member.

CODE OF CONDUCT

This Downtown Revitalization Initiative Local Planning Committee Code of Conduct does not supersede or replace any other applicable laws, regulations, standards, or requirements.

SECTION 1. DEFINITIONS

1. “DRI” means the Downtown Revitalization Initiative Program.
2. “Committee” means any of the Downtown Revitalization Initiative Local Planning Committees.
3. “Member” or “Committee Member” means any Member of any of the Downtown Revitalization Initiative Local Planning Committees.
4. “Family Member” or “Relative” means any person, who by blood, marriage or adoption, is a Member’s spouse, domestic partner, parent (including stepparent), child (including stepchild), brother (including stepbrother), sister (including stepsister), grandparent, grandchild, or in-laws. The term “Family Member” shall also mean any person with whom the Member shares a close bond who is living in the Member’s household or residence.
5. “Interested Parties” means any person or entity that should be notified of a Committee Member’s breach of this Code of Conduct for law enforcement or other regulatory purposes, or any person or entity that the Department of State deems appropriate to give notification of such breach.

SECTION 2. CONFLICTS OF INTERESTS

1. Members shall exercise their duties and responsibilities as Members in the public interest of the inhabitants of the State, regardless of their affiliation with, or relationship to, any business, municipality, not-for-profit, agency, program, entity, or interest group. The principles that should guide the conduct of Members include, but are not limited to the following:
 - a. A Member should endeavor to pursue a course of conduct that will not raise suspicion among the public or the DRI community in which he or she is likely to be engaged. Even an appearance of impropriety or an appearance of improper conduct should be avoided.
 - b. A Member should not pursue a course of conduct that will constitute a violation of his or her trust as a Member.
 - c. No Member should permit his or her employment or relationship with any entity that might benefit from the decisions made by the Committee to impair his or her independence of judgment in the exercise of his or her duties as a Member.
 - d. No Member should disclose confidential information acquired by him or her in the course of his or her duties as a Member or by reason of his or her position as a Member or use such information to further his or her personal interest(s).
 - e. No Member should use or attempt to use his or her position as a Member to secure unwarranted privileges or exemption(s) for him or herself or others.
 - f. No Member should engage in any transaction with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties as a Member.
 - g. A Member should refrain from making personal investment(s) in any enterprise which he or she has reason to believe may be directly involved in decisions to be made by him or her as a Committee Member or which will otherwise create substantial conflict between his or her duty as a Committee Member to act in the public interest and his or her private interest.
2. A Member shall exercise his or her duties and responsibilities in a manner that does not exert improper influence over another Member. For purposes of this Code of Conduct, such an exercise of improper influence would constitute a conflict of interest.
3. A Member shall exercise his or her duties and responsibilities for the primary benefit of the public and in such a manner where any benefit to the Member, or a Family Member or Relative of the Member, is incidental only. For purposes of this Code of Conduct, a conflict of interest arises if such an exercise results in any benefit to the Member, or a Family Member or Relative of the Member, that is more than incidental.

SECTION 3. DISCLOSURE AND RECUSAL

1. Disclosure: Whenever a matter before the Committee may give rise to a conflict of interest, whether impermissible, apparent, potential, or otherwise, the conflicted or potentially conflicted Committee Member shall disclose the conflict to the Committee prior to any meeting in which the matter will be

discussed. Members are encouraged to immediately disclose known relationships and potential conflicts of interest to prevent even the appearance of impropriety.

2. Recusal: No Member shall participate in any Committee vote, attempt to influence a discussion or vote, relating to any entity where such Member, Relative, or Family Member has an interest as a board member, owner, officer, employee or investor in the entity or in a potential competitor, or where such Member, Relative, or Family Member has a financial interest in the matter. No Member shall attend such Committee discussions or votes, unless such discussions or votes are taking place as part of a meeting or proceeding open to the public.

SECTION 4. ETHICS OFFICER

1. Ethics Officer: The Department of State’s Ethics Counsel shall serve as Ethics Officer for the DRI, Committee, and Member.
2. Ethics Opinion: If a Member is unsure if he or she has an actual or potential conflict of interest, the Member may contact the Ethics Officer for an opinion. Such a request must include a detailed description of the potential conflict, including relevant information, as appropriate, such as:
 - a. The nature of the benefit giving rise to the conflict;
 - b. The nature of the relationship between the Member and the individual or entity that stands to receive a direct or indirect benefit;
 - c. Whether other similarly situated individuals or entities stand to receive a similar benefit;
and
 - d. Any other relevant considerations.

SECTION 5. COMPLIANCE

A Committee Member found to be in breach of any provision of this Code of Conduct may be removed from the Committee by the primary Department of State representative responsible for overseeing the Downtown Revitalization Initiative Program. Notice of such removal may be referred to Interested Parties for additional review and the taking of any other appropriate action.

SECTION 6. ACKNOWLEDGMENT

I have read the foregoing, and I agree to comply with and be bound by, the Downtown Revitalization Initiative Local Planning Committee Code of Conduct.

Print Name

Signature

Date