

**Opinion of the City of Rochester Board of Ethics**  
**Opinion Number 2018-9**  
**November 13, 2018**  
**C18-7**

**Overview**

On August 8, 2018, the Coalition for Cobbs Hill Park submitted a complaint regarding City Councilmember Mitchell Gruber's change of vote on the Cobbs Hill Project and relationship with Howard Konar, who was a donor to Councilmember Gruber's City Council campaign, a board member of the Konar Foundation which has donated to Councilmember Gruber's employer, and also the former chair of Rochester Management's board of directors.

**Applicable Code of Ethics Provisions**

Sections of the Code of Ethics alleged to have been violated:

*3. No City officer or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City officer or employee in which he has an interest. This provision shall not apply to any City officer or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly:*

*(a) The City officer or employee shall identify his interest, that is, the benefit for advantage that would be gained or lost if the City acts on the matter in various ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment, or a relationship, if any.*

*(b) The City officer or employee shall completely and specifically describe and disclose his interest and its underlying basis, if any, in writing to his immediate superior and the chairperson of the Board of Ethics, in advance of his participation in the matter.*

*(c) If either the City officer or employee, or his immediate superior, or the chairperson of the Board of Ethics thinks that the disclosure reasonably raises a question whether the interest is minimal, the question shall be submitted to the Board of Ethics for an opinion, prior to which the officer or employee shall not participate in the matter. Failure to disclose properly, or abide by the opinion of the Board of Ethics, shall make any participation of the officer or employee in the matter null and void.*

*4. No City officer or employee, acting in the performance of his official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat the general public.*

**Opinion**

Based on the failure of the complainants to provide clear evidence of any economic interest by Councilmember Gruber in the project which would disqualify him from voting, the Board finds that no violation of the Code of Ethics occurred.

**(Ginett, Steinbrenner, Scott, Weir)**