



CODE OF ETHICS

I. Introduction

It is the policy of the Olympic Regional Development Authority ("ORDA") to conduct all of its activities pursuant to the highest standards of public integrity and ethical conduct. So as to emphasize the standards of ethical conduct expected of all members and employees of ORDA, the Board of Directors has adopted in its By-Laws at Article III (Conflicts of Interest), and by Resolution Nos. 11, 79, 179, a Code of Ethics ("Code").

The Code establishes the parameters of permissible activity by ORDA members and employees, specifically proscribes certain activities, and establishes the administrative structure through which such matters shall be identified and resolved.

In general, any questions regarding the application of the Code, or any doubts regarding the propriety of any action planned or taken by ORDA, its members or employees, shall be brought to the attention of ORDA's General Counsel. ORDA's General Counsel will refer breaches of the Code, or other matters, as appropriate, to the Joint Commission on Public Ethics (JCOPE) and/or such other authority as may be appropriate under the circumstances.

II. Public Officers Law

The Ethics in Government Act was enacted in 1987 to eliminate abuse and corruption in State government and to restore the public's trust and confidence in public institutions. Under the Act, restrictions were imposed on the business and professional activities of State officers and employees, both during and after their State employment. The Act also requires certain public employees to file an annual statement of financial disclosure to JCOPE.

All members and employees of ORDA are subject to the ethics provisions as set forth in Public Officers Law §§ 73, 73-a, and 74. The rules of ethical conduct as set forth in the Code are to be considered as supplemental to those contained in §§ 73, 73-a, and 74 of the Public Officers Law, and such law is paramount and controlling to the extent, if any, that it is more restrictive or limiting than the Code.

III. Conflicts of Interest

Members and employees of the Authority shall avoid actual, apparent, or potential conflicts of interest in the exercise of their official duties and responsibilities, as well as their private and individual interests. Such conflicts of interest may include:

- A. Soliciting, accepting, or receiving any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, promise, or in any other form, under circumstances in

which it could be reasonably inferred that the gift was intended to influence the member or employee of ORDA, or could reasonably be expected to influence such member or employee in the performance of their official duties, or as a reward for any official action;

B. Accepting outside employment which would impair the member or employee of the Authority's independence of judgement in the exercise of his/her official duties, or which would require or result in the disclosure of confidential information gained by reason of State position, employment or authority;

C. Soliciting or obtaining significant interest or investment in business enterprises that act as ORDA sponsors or suppliers, other than those interests or investments held prior to service as a member or employee of the Authority;

D. Taking part, as a member or employee of ORDA, in the identification, negotiation, selection, acquisition or determination of any procurement, contract, transaction, or other matter with any business entity in which such member, employee, or representative has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.

ORDA's Code mandates complete disclosure, in writing, of any such conflict. This requirement includes a detailed recitation of the nature and extent of any direct or indirect financial or other interest such member or employee of ORDA may have in any entity currently doing or attempting to do business with ORDA, and must be submitted to ORDA's General Counsel. Every effort must be made to identify and mitigate the appearance or existence of a conflict of interest at the earliest stage of any ORDA business transaction, and prior to any final action.

***NOTE:** A conflict of this type shall preclude any member of the ORDA Board of Directors from voting upon such business before the Board, and shall require all members and employees of ORDA to refrain from any involvement in the transaction of such business at any level. Any and all inquiries regarding the application of this requirement should be immediately referred to the ORDA General Counsel.*

IV. Nepotism

Public Officers Law § 73 (14) prohibits a State employee from participating in any decision to hire, promote, discipline, or discharge a relative who is, or is under consideration to become, a State employee. This law effectively prohibits a State employee from directly or indirectly supervising a relative. A relative is defined under the law as any person living in the same household as the member or employee, or any person who is a direct descendant of the member's or employee's grandparents, as well as the spouse of such descendant. **No ORDA employee may work in a direct chain of supervision as a relative.**

Any relative of an ORDA employee who wishes to seek employment with ORDA must do so without any involvement by their ORDA-employed relative. Any ORDA employee who has a relative seeking employment with ORDA is barred from participating in any manner in any part of the hiring process.

V. Gifts

No ORDA member or employee may accept any gift of more than nominal value from persons or entities who do business with the State (impermissible source). The term "nominal value" has been defined by JCOPE as something having a fair market value of \$15 or more. The term "gift" includes (but is not limited to) meals, refreshments, entertainment, money, services,

loans, travel, lodging, a promise with monetary value, and agreeing to change the terms of a debt.

In addition, no member or employee should accept anything of any value (even if less than \$15) where it could be reasonably inferred that the gift is intended to influence the recipient in the performance of their duties, or was given as a sign of appreciation for carrying out their official duties (creating an actual or apparent conflict of interest or appearance of improper influence).

No member or employee may direct a gift from an impermissible source to a third party, including a charitable organization, their spouse or their child.

VI. Outside Employment or Activities

No ORDA member or employee shall engage in any outside business activity, transaction, or employment that would conflict with the public interest. In addition, no ORDA member or employee shall engage in any outside business activity that would reflect adversely on the integrity of such member or employee, or ORDA itself.

No employee may participate in any outside employment or business activity without first seeking written approval from both their supervisor and ORDA's General Counsel. Actions associated with any outside business activity, transaction, or employment are not permitted during normal work hours, and ORDA premises, equipment, supplies, or resources of any kind may not be used to accomplish such activity.

VII. Political Activities

ORDA members and employees are encouraged to take an interest in local, State, and national political affairs, and to participate in such affairs, on their own time, in the manner they see fit. However, the Public Officers Law generally prohibits an individual who is serving in a policy making position from serving as an officer of any political party or political organization (note - a "political organization" is defined to mean an organization that is affiliated with or subsidiary to a political party, but does not include campaign or fundraising committees), from serving as a member of any political party committee including serving as a political party district leader or member of a national committee of a political party, and from giving or raising contributions to the Governor's political campaign.

Any participation by an ORDA employee in permitted political activities must be conducted in the following manner:

- A. The employee must be clearly acting as an individual, not as a representative of ORDA;
- B. The activities must not interfere with the employee's job duties;
- C. The activities must not be done on ORDA time;
- D. The activities must not involve the use of ORDA premises, resources, facilities, equipment or supplies.

In general, ORDA members and employees are charged to pursue a course of conduct that will maintain the public's trust and confidence in civil servants and public institutions, and which complies with all applicable local, State and federal laws.

Any member or employee with an interest in outside political activities or questions about these requirements should contact ORDA's General Counsel.

VIII. Policy Makers

ORDA's Board of Directors will, on an annual basis, pass a resolution identifying those employees who are designated as policy makers by ORDA. All Board Members are subject to the requirement for filing an annual statement of financial disclosure.

IX. Financial Disclosure

In accordance with Public Officers Law § 73-a, JCOPE requires that any employee designated by ORDA as a policymaker, or any employee whose salary exceeds the annual threshold, file an Annual Financial Disclosure Statement (FDS). Pursuant to the Public Officers Law, a failure to file this Statement in a timely manner may subject a required filer to a civil penalty of up to ten thousand dollars (\$10,000.00), and/or disciplinary action initiated by ORDA.

ORDA will track the compliance of members and employees with this requirement, and those members and employees who are subject to this requirement will be notified by JCOPE of the requirement to file a FDS.

Information about the annual filing requirements, including changes in salary thresholds can be found at <https://jcope.ny.gov/fds-filing-information-and-forms>.

Any questions on these requirements should be directed to ORDA's General Counsel, or to JCOPE at 800-873-8442 or by email at ethel@jcope.ny.gov.