

## Dutchess County Legislature

22 Market Street, Poughkeepsie, New York 12601

October 5, 2018

Office of the Attorney General  
Public Integrity Bureau  
28 Liberty Street, 15th Floor  
New York, NY 10005

New York State Joint Commission on Public Ethics  
Office of Investigations  
540 Broadway  
Albany, NY 12207

Dutchess County Board of Ethics  
c/o Commissioner of Finance  
22 Market Street  
Poughkeepsie, NY 12601

Dear Sir or Madam,

In the midst of political campaigns, issues often come to light that have relevance beyond the political arena and raise serious legal and governmental questions. Recent press reports have indicated that current Dutchess County Executive, Marc Molinaro, may have engaged in activities that amount to a violation of both the spirit and the letter of local and State ethics laws – in particular, the Dutchess County Code of Ethics (“the Ethics Code”) and Article 18 of the General Municipal Law. Public documents have corroborated the newspaper reports, leading the public to have more questions than answers regarding possible corruption in the Dutchess County procurement processes. For all of the reasons described herein, consistent with the County Ethics Code and State ethics laws, we submit this complaint to the Board of Ethics, the New York State Attorney General’s Office the Joint Commission on Public Ethics (“JCOPE”).

According to the New York State Board of Elections, Tinkelman Architecture [Tinkelman], its executives and an affiliate gave a series of political donations to Marc Molinaro from 2006 to 2018.

In June 2015, the County Industrial Development Agency (“IDA”)– whose members are approved by and serve at the pleasure of the County Executive, are close associates of and contributors to the County Executive, and many of whom themselves are county vendors with county contracts -- approved a project awarded to Tinkelman Architecture (“Tinkelman”), resulting in major incentives for Tinkelman, including at least \$227,000 in tax breaks.

## Dutchess County Legislature

22 Market Street, Poughkeepsie, New York 12601

Immediately after, Tinkelman created a new "Director of Marketing" position and promptly hired the County Executive's soon-to-be wife to fill that role. Later that year, in November 2015, the Dutchess County Department of Public Works awarded Tinkelman a lucrative multi-year contract. That contract was renewed in November of 2017. Molinaro had direct involvement in the contract award as the Commissioner of Public Works serves as the pleasure of the County Executive, and Molinaro's office approved of the contract award and extension when his Deputy County Executive William FX O'Neil signed the contract on his behalf. Molinaro's Deputy County Executive William FX O'Neil is also a donor.

The Dutchess County Code of Ethics mandates that as part of the "Annual Statement of Financial Disclosure," a filer identify, among other things,

[t]o the best of [the filer's] knowledge and belief [if the filer or the filer's] spouse . . . [d]oes business with Dutchess County" or "[r]eceive[s] any benefits, payment or gift . . . from any person, firm, company or organization either doing business with Dutchess County or licensed or regulated by Dutchess County.

Nonetheless, County Executive Molinaro's financial disclosure statements filed for 2015 and 2016 never identified his relationship with Tinkleman or his wife's employment with that company that he personally was involved in awarding at least one County contract. It was not until the County Executive filed his 2017 ethics disclosure this past March 2018 - nearly 3 years after Tinkleman hired his wife and more than 2 years after the County awarded Tinkleman a substantial contract - that the County Executive identified a potential conflict of interest posed by his wife's position. However, Molinaro did not identify any details, noting only on the disclosure that his wife worked for a "county vendor." He also stated in this late filing, that he "recused" himself in the award of the contract. It is unclear, however, by what process the County Executive is able to, three years later, identify a potential conflict and at that time announce that he has recused in order to cure the potential violation. It is equally unclear why the County Executive thought it was appropriate to only partially complete the financial disclosure form and not include any specificity about the relevant county vendor. Also, in that "partial-disclosure" he said he and his wife have no "financial interest in this firm." A salary can certainly be considered a financial interest.

The fact that Molinaro's wife works for Tinkelman was discovered after Molinaro released one year of tax returns for his Governor's race and his wife's income and employer were listed. Newsday did some investigative reporting and connected Molinaro's wife with Tinkelman and the lucrative County contract. But for Newsday publishing an article on May 3rd, it is unclear whether the County Executive would have ever complied with the law and disclosed this information. Notably, Tinkelman immediately removed the County Executive's wife's name from the company website following the publication of the Newsday article. When County Executive Molinaro submitted a financial disclosure



## Dutchess County Legislature

22 Market Street, Poughkeepsie, New York 12601

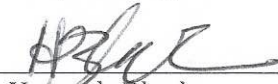
statement to JCOPE in June 2018 in an apparent attempt to meet the obligations of a candidate for Statewide office, Molinaro identified "Tinkelman" as his wife's employer, but made no mention of his recusal with regards to the County contract.

All of these facts beg troubling questions:

- Was there a quid pro quo?
- In exchange for political donations did Tinkelman receive IDA benefits?
- In exchange for the tax benefits, did Tinkelman hire the County Executive's wife? Or in exchange for the wife's hiring did Tinkelman receive the lucrative county contract?
- Did the Director of Marketing engage in lobbying activity before the County in order for Tinkelman to be awarded the contract?
- If so, why didn't Tinkelman file lobbyist registration and disclosure statements with JCOPE?
- Was Tinkelman's award of a job to the County Executive's wife amount to an improper gift and a violation of the Dutchess County Code of Ethics and/or the New York State Legislative Law?
- Did the County Executive and the Commissioner violate the Code of ethics when they surreptitiously decided to award and subsequently maintain a contract benefiting the County Executive and his family with no notice, recusal, or disclosure, potentially in exchange for official action?
- If County contract and tax incentives were awarded to Tinkelman in compliance with all applicable laws, why did the County Executive fail to timely disclose the relationship and take steps for the public to be aware of any relevant recusal?

The people of Dutchess County and the State of New York deserve and demand answers. The Dutchess County Board of Ethics, the Attorney General, and/or JCOPE should investigate these important issues without delay.

Respectfully,



Hannah Black  
Minority Leader  
District 4



Kristofer Munn  
Assistant Minority Leader  
District 20



Nick Page  
Legislator  
District 18

## Dutchess County Legislature

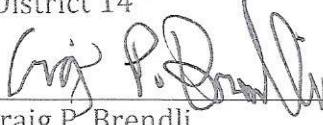
22 Market Street, Poughkeepsie, New York 12601



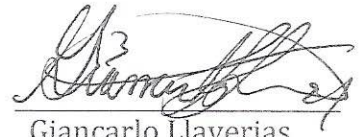
Erits Zernike  
Legislator  
District 16




Francena Amparo  
Legislator  
District 14



Craig P. Brendli  
Legislator  
District 8



Giancarlo Llaverias  
Legislator  
District 1



Joel Tyner  
Legislator  
District 11

## Dutchess County Legislature

22 Market Street, Poughkeepsie, New York 12601

### Timeline

2006-2018: Tinkelman Architecture and Associates make a series of political donations to Marc Molinaro

June 2015: Dutchess County IDA (Members Appointed by Molinaro) grants Tinkelman \$227,000 (and counting) in tax breaks

"Summer" 2015: Tinkelman creates a new job as marketing director and hires Marc Molinaro's [soon to be]wife

November 2015: Tinkelman receives a lucrative 2-year contract with Dutchess County's Department of Public Works, which Marc Molinaro approved when his Deputy County Executive signed the contract on his behalf.

2015: Marc Molinaro files his County Ethics disclosure but does not disclose his wife's job with Tinkelman

2016: Marc Molinaro files his county ethics disclosure but does not disclose his wife's job with Tinkelman

November 2017: Tinkelman's contract with the Dutchess County's Department of Public Works is renewed, which Marc Molinaro approved when his Deputy County Executive signed the contract on his behalf

March 2018: Marc Molinaro for the first time discloses his wife has a job with a "county vendor" on his County ethics disclosure but does not name Tinkelman

May 2018: Molinaro releases his one year of tax returns for his Governor's Race

May 2018: Newsday investigates after reviewing the tax returns, the "county vendor" is in fact Tinkelman and employs his wife

May 2018: Tinkelman removes Marc Molinaro's wife's name and job from its website

June 2018: Marc Molinaro admits on his JCOPE filing that his wife works for Tinkelman