



TOWN OF DEERPARK

KARL A. BRABENEC, SUPERVISOR
DAVID M. HOOVLER, COUNCILMAN
GARY SPEARS, COUNCILMAN
ARTHUR T. TROVEI, COUNCILMAN
DAVID M. DEAN, COUNCILMAN

RESOLUTION #32 OF 2011

CHARGES AGAINST DANIEL LOEB FOR INSUBORDINATION BROUGHT BY THE TOWN BOARD OF THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK

WHEREAS, Daniel Loeb is a resident of the Town of Deerpark, County of Orange, State of New York and currently sits on the Town of Deerpark Planning Board; and

WHEREAS, representatives of the applicants on the Deerpark Village Project before the Planning Board filed a complaint with the Town of Deerpark Ethics Board alleging conflicts of interest by Daniel Loeb; and

WHEREAS, the Ethics Board of the Town determined that Daniel Loeb's participation in any discussion, deliberation or voting on the Deerpark Village Project would raise serious ethical considerations and the appearance of impropriety, and concluded his continued participation with regard to the application puts the Town of Deerpark at risk in a written opinion dated March 21, 2011; and

WHEREAS, the Ethics Board based its decision upon the following factors:

1. That Mr. Loeb was subject to influence by a neighborhood coalition opposed to the Project, and
2. That Mr. Loeb had a financial and personal interest in the project because his residence is situated on Wilson Road directly across the road from the Project and the property value of his residence may change as a result of the Project, and
3. Mr. Loeb did not adequately rebut the argument that his home's proximity to the Project may influence the way in which he considers the application, and
4. That in order to preserve the public's confidence in the honesty of government, public officials must avoid even the appearance of impropriety, and
5. Circumstances which compromise a public servant's ability to make a decision solely in the public interest are prohibited acts, and
6. Therefore, participation by Daniel Loeb in any discussion, deliberation, or voting on the Deerpark Village Project would raise the appearance of impropriety and call into question the validity of any action ultimately taken by the Planning Board due to his failure to rebut arguments made that his residence's proximity to the project and his past comments pertaining to the project would affect his opinion of the project; and

WHEREAS, on June 20, 2011, the Town Board of the Town of Deerpark unanimously passed a resolution, citing the Ethics Board decision/opinion, directing Daniel Loeb to recuse himself from all participation in any deliberation, discussion and vote regarding the Deerpark Village Project; and

WHEREAS, on June 20, 2011, the Town Board of the Town of Deerpark unanimously passed an additional resolution stating that Daniel Loeb must agree to abstain from any such participation in the Deerpark Village Project, in writing, by July 8, 2011 or the attorneys for the Town would be directed to prepare charges to remove him from such participation, for cause, and seek the services of a Hearing Officer to conduct a hearing and make a determination on said charges;

WHEREAS, Daniel Loeb has failed to agree, in writing or otherwise, to abstain from participation in any discussion, deliberation and voting on the Deerpark Village Project by July 8, 2011.

NOW THEREFORE, due to his failure to agree to recuse himself from participation in deliberation, discussion and voting regarding the Deepark Village Project, **Daniel Loeb is hereby charged with insubordination and improper conduct for failing to abide by the determination and opinion of the Town of Deepark Ethics Board dated March 21, 2011 and the resolution and directive the Town Board of the Town of Deepark dated June 20, 2011.**

Furthermore, a hearing before an impartial Hearing Officer, selected by the Town Board, shall be held on a date to be determined at the Town Hall, Town of Deepark located at 420 Route 209, Huguenot, New York 12746. At that time, Daniel Loeb will have the opportunity to be heard and present all relevant evidence on his behalf with regard to these charges.

The Ethics Board of the Town of Deepark shall be represented by Victoria Campbell, Esq., its attorney, at said hearing.

Dated: August 15, 2011