



# Tompkins County Ethics Advisory Board

Iris Packman, Chair

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To: Joel Gagnon, Supervisor, Town of Danby  
From: Iris Packman, Chair, Tompkins County Ethics Advisory Board  
Cc: Ethics Advisory Board and Town Clerk, Town of Danby  
Date: March 31, 2026  
Re: Ethics Advisory Opinion for the Town of Danby

IGP

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## Background

On February 6, 2026, the County Attorney received an oral request for an advisory opinion from the Danby Town Supervisor, Joel Gagnon, and on February 13, Mr. Gagnon submitted a formal written request. The request arose from a public meeting on February 3, 2026, in which Mr. Gagnon presented a candidate he would like to hire for an open bookkeeper position. When asked why the candidate was his choice for the position, he replied, "Because I've come to know her. She has been assisting me in my non-town work." (See minute 1:24:31 of the Town of Danby First Monthly Board meeting, February 3, 2026). During the meeting, the town supervisor proposed creating a full-time position by combining the bookkeeper and assistant positions, raising the salary from \$35,000 to \$51,000, adding benefits, and making it fully remote.

The candidate was present for some of the meeting, and was asked whether she had experience with bookkeeping, Human Resources functions, and other relevant aspects of the position. She indicated some lower-level experience and an eagerness to learn the more advanced aspects of the job. Several town board members expressed reservations about hiring her, given her more limited experience, as well as making the position fully remote, as it was previously filled by someone in person.

After the meeting, Mr. Gagnon emailed the board that "I got to know [the candidate] by working with her this fall. What drew me to ask her if she would be interested in these positions was that I found her to be scrupulously honest, straightforward, intelligent, and good with numbers." (February 3 email from Joel Gagnon to Danby Town Board). He did not disclose that the candidate was his tenant.

The following day, a Town Board member emailed the entire Board that he was uneasy with hiring the candidate for the bookkeeper position. Mr. Pruce wrote that:

"Since last night, I've learned that [the candidate] is a tenant of yours and that she may owe you back rent. If that is true, it absolutely constitutes a conflict of interest which should have been disclosed to us - you uniquely stand to benefit from payments we

authorized to her, even if you are not a direct party to the 'contract' between the town and her. Even if there is some technical reason why this isn't exactly a conflict of interest under the law, it absolutely has the appearance of a conflict and we should have known before voting." (February 4 email from Mark Pruce to Danby Town Board).

Mr. Gagnon replied to the Board:

"The information I did not share about a tenant-landlord relationship between myself and [the candidate] was not mentioned because I did not and do not see it as relevant. It is inherent in that relationship that rent is owed and paid. That she is behind by a couple of months is between her and me. I don't know how it came to be known. I don't recall sharing that with anyone. I am not reliant on the income for my immediate needs. I can afford her the breathing space to dig out of the financial hole her family has fallen into, and she has assured me that she can make up the arrears as soon as she gets her tax refund... Seeing a tenant-landlord relationship as being problematic, which you clearly do and I do not is an issue that deserves examination." (February 4 email from Joel Gagnon to Danby Town Board).

On February 6, Mr. Gagnon called the County Attorney to discuss the ethical issues raised by members of the Town Board, and on February 13, formally asked in writing for an advisory opinion on this issue. As Mr. Gagnon explained, "At the February 3 Danby Town Board meeting I was accused of failing to reveal a conflict of interest. I did not recognize the conflict and do not now." (February 13 email from Joel Gagnon to Maury Josephson). On February 14, 2026, the County Attorney referred the matter to the chair of the Tompkins County Ethics Advisory Board (the "Advisory Board"), and the investigation commenced.

### **Jurisdiction of the Tompkins County Ethics Advisory Board**

The Tompkins County Ethics Advisory Board has jurisdiction to give advisory opinions to municipalities within the County. Under the Town of Danby Code of Ethics Section V,

The Tompkins County Board of Ethics shall act as advisory body for the Town of Danby regarding ethical issues or concerns. The advisory opinion shall be rendered pursuant to a written request of any such officer or employee under such rules and regulations as the Tomkins County Advisory Board may prescribe and the Tompkins County Advisory Board shall have the advice of the County Attorney. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

The Tompkins County Code of Ethics, Section V(g)(6), permits the Ethics Advisory Board to render advisory opinions to other municipalities wholly or partly within the County upon a written request of an officer or employee of that municipality. Accordingly, the county treated Mr. Gagnon's February 13, 2026 email to the County Attorney as a request for an advisory opinion from the County Ethics Advisory Board. New York State Gen. Municipal Law Section 808(2) also authorizes the Advisory Board to render advisory opinions pursuant to written requests from municipal officers and employees.

## **Determination of the Ethics Advisory Board**

The Ethics Advisory Board met on March 6, 2026 to discuss Mr. Gagnon's request for an advisory opinion. After reviewing the facts, the board voted unanimously to issue an advisory opinion finding violations both for failure to disclose the appearance of and/or actual conflict of interest, as well as for a municipal officer using his position for potential financial gain in hiring his tenant, for the reasons stated below:

### **1. The Town Supervisor failed to timely and publicly disclose a conflict or the appearance of a conflict of interest**

The Danby Code of Ethics requires municipal officers and employees to disclose in writing,

“whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to them, a relative, or any private organization in which they are deemed to have an interest...” (Danby Code of Ethics, Section III(4)(a)).

The Ethics Advisory Board finds that under this requirement, Mr. Gagnon should have disclosed the fact that the person he intended to hire as town bookkeeper was also his tenant, because he has a financial relationship to the candidate, and her hiring could result in a direct or indirect material or financial benefit to him, as the landlord. The fact that Mr. Gagnon did not disclose the conflict or appearance of conflict before or during the discussion regarding hiring his tenant who owes him back rent, but rather stated only that he “got to know her by working with her this fall,” is in violation of this policy. (Joel Gagnon's February 3, 2026 email to Danby Town Board).

Further, the Town Supervisor's subsequent disclosure to the Danby Town Board the day after the vote on raising the salary and benefits for the position came too late, as the relevant matter had already transpired. As the Town Ethics Code states,

“the disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.” (Danby Code of Ethics, Section III(4)(b)).

Because Mr. Gagnon did not disclose the conflict before the discussion or vote, he violated the timely disclosure requirement.

### **2. Hiring and raising the salary for the Town Supervisor's tenant creates the appearance of, or an actual, conflict of interest due to potential financial or material benefit to the municipal officer**

The Danby Code of Ethics, as well as the County and State laws, prohibit the use of one's municipal position for personal or private gain. The local code states that, “A municipal officer or employee shall not use their municipal position or official powers and duties to secure a financial or material benefit for themselves...” (Danby Code of Ethics Section III(2)).

Here, Mr. Gagnon, a municipal officer, used his position and/or official powers to increase the salary and benefits for, as well as extend an offer to hire, his own tenant. Additionally, Mr. Gagnon was aware at the time of his offer that his tenant was experiencing financial difficulties and owed him back rent.

Offering his tenant a job, with an additional \$10,000 allocated to support her training and transition, as well as making the position full-time, benefits-eligible, and fully remote, are all material changes to the town's budget that can both impact the candidate's financial situation as well as her ability to pay him rent. That Mr. Gagnon was confident she would make up her back rent through other means is irrelevant: at the very least, it creates the appearance of a conflict.

### **Recommendations of the Ethics Advisory Board**

The Ethics Advisory Board unanimously found that the Town Supervisor, Joel Gagnon, violated the Danby, County, and State codes of ethics when he failed to disclose a conflict or apparent conflict of interest, and when he further used his office for financial or material benefit to himself when he moved to hire his own tenant, who was in arrears, and raise the salary and benefits for the position.

Pursuant to the Town of Danby Code, "Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action." (Town of Danby Code of Ethics Section V). Accordingly, the Ethics Advisory Board refers the matter to the Danby Town Board for the following recommended actions:

1. Mr. Gagnon should publicly disclose the actual or apparent conflict of interest in writing and at the next public meeting;
2. The Town of Danby should reopen the hiring process to other applicants, if it has not done so already, and consider all applicants based on their qualifications for the position;
3. The Town Supervisor should recuse himself from hiring for this position, and should not participate in any discussion or decision regarding candidates for the position.

This third recommendation is in accordance with Danby Code of Ethics Section III(5), which states that:

No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when they know or have reason to know that the action could confer a direct or indirect financial benefit on themselves, a relative, or any private organization in which they are deemed to have an interest.

A municipal officer or employee with conflicts or who are recused are expected to cease participation in all discussion about relevant subject matter and should physically remove themselves from the table while the matter is under discussion.

This constitutes the final determination of the Tompkins County Ethics Advisory Board.