



Monroe County Legislature

DEMOCRATIC LEGISLATIVE OFFICE

408 COUNTY OFFICE BUILDING • 39 WEST MAIN STREET

ROCHESTER, NEW YORK 14614

Phone: 585-753-1930 • Fax: 585-753-1946

August 9, 2021

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. <u>210294</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
AGENDA/CHARTER

Subject: Adopt a Resolution of the Monroe County Legislature to Censure Legislator Ernest Flagler-Mitchell and Request the President to Remove Legislator Flagler-Mitchell from All Committee Assignments

Honorable Legislators:

On June 3, the Monroe County Board of Ethics unanimously adopted a report prepared by its independent outside counsel finding that Legislator Ernest Flagler-Mitchell violated Section 45-13 of the County Code of Ethics in the course of sending a sexually explicit image to a young woman. The County Legislature must take action regarding this serious violation.

The Board of Ethics' independent counsel concluded that Lakaya Sinclair's description of events has been "entirely credible" and "consistent with the reports of several others who came forward once Ms. Sinclair's complaint was reported publicly." In contrast, Legislator Flagler-Mitchell's explanation that he did not intend to send the explicit picture to Ms. Sinclair was found to be "lacking in credibility." The report finds that Legislator Flagler-Mitchell introduced himself to Ms. Sinclair as a County Legislator, offered her assistance as a County Legislator, and then abused the power of his office by attempting "to secure unwarranted privileges— namely, sexual favors." The Board's independent counsel therefore concluded that "sending an explicit photo to a community resident that he had offered to help, in his capacity as a public official, constitutes a violation of Section 45-13."

Legislator Flagler-Mitchell has violated the public's trust. He abused his office to inflict further trauma on a young woman who was a survivor of a tragic shooting. This Legislature must make a clear and definitive statement that it will not tolerate such conduct.

We have called for Legislator Flagler-Mitchell's resignation. Since he refuses to do so, we as a Legislature must issue a formal censure to condemn this conduct. We must also make clear that Legislator Flagler-Mitchell is unfit to carry out the duties of his office by removing him from any Legislature committee assignments.

The specific legislative action required is:

1. Resolve that Legislator Flagler-Mitchell be formally censured for violating Section 45-13 of the Monroe County Code of Ethics.
2. Pursuant to Sections 545-13, 545-20, and 545-21 of the Rules of the County Legislature, request that the President remove Legislator Flagler-Mitchell from all standing and special committee assignments in the Legislature.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

No additional net County support is required in the current Monroe County Budget.

Given the importance of this matter, we ask the President to accept this referral as a matter of urgency and include this matter on the agenda for the Legislature's August 10 meeting.

Respectfully submitted,



Yversha Román
Legislator – District 26



Joshua Bauroth
Assistant Minority Leader



Howard Maffucci
Legislator – District 10



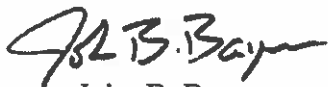
Michael Yudelson
Legislator – District 13



Justin Wilcox
Legislator – District 14



Joseph Morelle, Jr.
Legislator – District 17



John B. Baynes
Legislator – District 18



Rachel Barnhart
Legislator – District 21



Linda Hasman
Legislator – District 23

cc: Jack Moffitt, Clerk of the Legislature