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PRESS RELEASE

In regard to Fire Chief Russell Brooks and the fact he was placed on indeterminate, non-disciplinary paid administrative leave on Friday, May 12, 2017, several news agencies and the general public have made inquiry and requested the underlying details surrounding the decision to place Chief Brooks on leave pursuant to Section 72 of the New York State Civil Service Law.

The City wishes to be transparent in this matter, but it would require Chief Brooks to grant permission to release documents contained in his personnel file, such as health information, which is protected by New York State Civil Rights Law and New York State Public Health Law.

In an effort to answer these questions, yesterday (May 15, 2017) the Corporation Counsel's office forwarded to Chief Brooks' attorney, James R. Roemer, Jr., Esq. a release for Chief Brooks' signature to grant the City such permission to disclose this otherwise protected information, absolving the City from any and all civil liability for releasing such information.

It is our hope Chief Brooks will sign the release so the facts can become public information and shared with the general public and Common Council.

Without the signed release, the City of Utica is legally prohibited from discussing these matters publically as discussed above.

It is also worth noting how important it is for municipalities to properly follow all

protocol in regards to personnel matters, such as 207-a applications, which are protected by confidentiality and non-disclosure.

In the past, when the City has breached these protocols it has created costly repercussions. For example, in Patterson v. City of Utica, a case commenced in 2004, the City of Utica was subjected to liability because of statements made publically by former Mayor Timothy Julian about an employee's termination and eventually settled for \$225,000 before trial and over \$17,000 in additional costs.

Another example is Koziol v. City of Utica where a jury awarded over \$25,000 to former Corporation Counsel Leon Koziol as a result of statements made by former Mayor Edward Hanna that allegedly damaged the plaintiff's reputation.

Given this history, it is disingenuous for former or current elected officials to seek disclosure of information they know we are not allowed to make. Mayor Robert Palmieri steadfastly maintains the City must follow the law in all circumstances, no matter who the person of the subject matter concerns.

It should be stated that in several 207-a cases, the City receives the application, obtains appropriate medical information, reviews the file and when necessary, seeks the advice of outside medical experts.

With that said, any notion the City denied the fact Chief Brooks and eleven (11) other members of the Utica Fire Department helped on September 11th, 2001 without the City's approval is false. The City has always recognized and appreciated that service.

The denial of Chief Brooks' 207-a claim was based solely on the independent review of the facts; we hope to be able to share those facts publically.