



**NEWS FROM:  
THE JOINT COMMISSION ON PUBLIC ETHICS**

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**JCOPE Cites Veteran’s Counselor for Public Officers Law Violation, Says  
Employer Should Have Taken Steps to Prevent Conflict of Interest**

*Counselor Worked With Man She Had Personal Relationship With; Received Over \$500,000 In  
Money, Items*

(ALBANY, NY) June 8, 2017 – The New York State Joint Commission on Public Ethics (“Commission”) today announced that it has found that Tracy R. Kinn, a counselor with the New York State Department of Veterans Affairs (“DVA”), violated the Public Officers Law by conducting herself in a manner that raised public suspicion that her personal relationship with someone she was providing direct services to was in violation of her public trust.

The Commission found that Kinn’s actions violated Public Officers Law § 74 (3)(h) as a result of her personal relationship with World War II veteran Charles Matie, with whom she was working to receive veteran’s benefits. The decision reverses in part the report and recommendation of a hearing officer, who found that the financial benefits that Kinn received from Matie were independent of her work with DVA, and therefore did not violate the Public Officers Law. However, the Commission did affirm and accept and adopt all of the other findings of fact and conclusions of law from the hearing officer’s report.

In addition, with regard to the Department of Veterans Affairs, the Commission found that, other than having an initial discussion with Kinn, “The DVA did nothing to ensure that [Kinn] was no longer taking official action on behalf of Matie, nor is there any evidence in the record to indicate that the DVA provided additional training or guidance to [Kinn] and other employees on their obligations under the State’s Code of Ethics.”

In reaching its decision, the Commission held a hearing during which the evidence established:

- that Kinn was acquainted with Matie prior to beginning to work with him in 2002 in her role as a counselor in the DVA’s Buffalo regional office; and,

- that following the work Kinn did on Matie's VA claims, she received items worth more than \$500,000, including a joint checking account funded by Matie and an annuity.

The Commission found that based on the extent of her personal relationship with Matie, Kinn should have taken steps to distance herself from directly providing services to Matie. It also found that the DVA should have taken steps to create clear guidelines for counselors to establish boundaries for the client-counselor relationship that recognize the need for compassionate services but also guard against the potential for conflicts of interest.

The Commission stated in its decision, "Given their pre-existing relationship, and the initial warnings and counseling from her supervisor about that relationship, Kinn should have refrained from providing any services to Matie as a DVA counselor because of her duty under the Public Officers Law ... to endeavor to avoid any suspicion that might be raised among the public that she is likely engaged in acts that are in violation of her trust."

A copy of the Commission's decision may be viewed by clicking [here](#).