

SUFFOLK COUNTY BOARD OF ETHICS

2015 Annual Report

The seal of Suffolk County, New York, is a large, circular emblem in the background. It features a central figure of a Native American holding a bow and arrow. The words "SUFFOLK COUNTY" are arched across the top, and "NEW YORK" is arched across the bottom. The words "FREEDOM AND INDEPENDENCE" are written in a smaller arc across the middle. The seal is surrounded by a decorative border of wheat stalks.

Linda A. Spahr, Esq. - Chair
Richard F. Halverson, Ph.D. - Vice Chair

Dennis O'Doherty - Member
Anthony Parlatore, Esq. - Member
Eric A. Kopp - Member

Samantha Segal, Esq.
Executive Director

3500 Sunrise Highway, Room 364
Great River, New York 11739
(631) 854-0022
www.SuffolkCountyNY.Gov

Approved April 4, 2016
Submitted to: Suffolk County Executive
Submitted to: Suffolk County Legislature

MISSION STATEMENT

“The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through training, transparency, and trust. In order to accomplish the Mission, the Suffolk County Board of Ethics shall maintain confidentiality, adhere to its own Code of Ethics, engage in outreach and training of public officials and employees, and recommend new laws to advance the Mission of ethical compliance.”

**MESSAGE FROM THE CHAIR OF THE SUFFOLK COUNTY BOARD OF ETHICS
LINDA A. SPAHR, ESQ.**

On behalf of the Board of Ethics, I wish to commend and thank our staff and counsel for their professionalism and diligence in helping us to fulfill our obligations to the public officials, employees and citizens of Suffolk County. Once again, they have exceeded our expectations. They have helped make our challenging jobs both pleasant and rewarding.

For most of 2015, one of the five Board member positions was vacant; for half the year, two positions were vacant. I am proud to report that each of the remaining members made service on the Suffolk County Board of Ethics a priority over other obligations, ensuring that we had a quorum for scheduled meetings. As this report is submitted, all vacancies have finally been filled.

During the 2015 calendar year, the Board convened 24 times. In satisfaction of its powers and responsibilities set forth in Section C30-3 of the County Charter, the Board accomplished the following:

- 1) Exceeded the one annual ethics training program required by law by providing six in person lectures, including one attended by members of 14 County departments. Staff developed and delivered specialized training for law enforcement agencies, regulatory agencies and elected officials. Training was certified in earlier years to satisfy continuing legal education (CLE) credits for attorneys, and this year was certified for CPE for accountants. On-line training was developed and delivered to hundreds of county employees, and is available to all county employees on demand. Staff also developed and distributed poster training and all-employee ethics newsletters.
- 2) Rendered 16 advisory opinions, all within the statutory deadlines.
- 3) Received, reviewed, audited, required amendments for and brought enforcement actions regarding required Financial Disclosure Statements
- 4) Conducted investigations and hearings to determine if ethics violations occurred and imposed penalties for violations.

Board's procedures, final determinations, including advisory opinions, are available on-line or through FOIL. All public information is available for review, in accordance with published procedures, through the Board's FOIL officer. The Board of Ethics and its staff welcome inquiries and input from all members of the community.

Respectfully Submitted,

Linda A. Spahr, Esq.

Chair of the Suffolk County Board of Ethics

**ADMINISTRATION STATEMENT FROM THE EXECUTIVE DIRECTOR
SAMANTHA L. SEGAL, ESQ.**

Through the Suffolk County Charter Law, the leadership of Suffolk County continues to take extraordinary measures in order to ensure the independence and integrity of the County ethics process, establish a system that provides the public with transparency, independence, and protocols.

In 2015, the Administration of the Suffolk County Board of Ethics accepted this charge with not only due diligence and responsibility, but also with a level of heightened responsiveness for the citizens of Suffolk County. As the Board develops new initiatives for public education, and government safeguards, the Administration is dedicated to being accessible to the public and public servants so that they can be heard by the Board with process. The Administration strives to serve the public, and the public servants of Suffolk County, in a manner that is systematic, accountable, and approachable.

We welcome all interested persons to provide us with suggestions and to attend the public portion of the Board's regularly scheduled Board meetings.

Respectfully Submitted,

Samantha L. Segal, Esq.

Executive Director Suffolk County Board of Ethics

TABLE OF CONTENTS

I. Executive Summary.....	4
II. Introduction.....	5
III. Members and Staff of the Suffolk County Board of Ethics.....	6
IV. Budget.....	7
V. Independent Contractor: General Counsel	8
VI. Training and Education.....	9-13
VII. 2015 Legislation.....	14
VIII. Board Policies.....	14
IX. Code Review.....	15-16
X. Financial Disclosure Statements.....	17-18
XI. Investigations/Fines/Referrals	19
XII. Advisory Opinion Requests.....	19
XIII. Complaints.....	19
XIV. Freedom of Information Law.....	19
XV. Elected Official’s Sworn Statements.....	20
XVI. Administration.....	20-22
XVII. Information Technology.....	22
XVIII. 2016 Initiatives.....	23

ATTACHMENTS AND EXHIBITS

Exhibit A	2015 Budget
Exhibit B	Suffolk County SOP A-06
Exhibit C	2014-2017 New York Bar Association Continuing Legal Education Accreditation
Exhibit D	2015 New York State Department of Education CPE/CPA Continuing Education Accreditation
Exhibit E	Ethics by Posters Series
Exhibit F	2015 Newsletters
Exhibit G	2015 Public Board Meeting Schedule and Minutes
Exhibit H	2015 Policies, Rules, Resolutions
Exhibit I	2015 FOIL Subject Matter Index
Exhibit J	Elected Official Training Letter
Exhibit K	2015 Google Analytic Webpage Reports
Exhibit L	SCBE 74-2015 RFP Waiver Committee Approval
Exhibit M	Suffolk County Legislature Resolution # 1178
Exhibit: N	Local Law 1-2015

I. EXECUTIVE SUMMARY

In 2015, the Suffolk County Board of Ethics convened 24 times from January 1, 2015 through December 31, 2015. The Board has had one member vacancy since May 13, 2015. During the course of the year, the Board's six public service initiatives were executed: 1) Directing the regulatory administrative law enforcement provisions for the Suffolk County Annual Financial Disclosure Statements, 2) Conducting Ethics Trainings, 3) Rendering Advisory Opinions, 4) Commencing Informal Investigations, 5) Commencing Formal Investigations and Adjudications, and 6) serving as the custodian and clerk of all Board of Ethics Records. The Board operated with two vacancies from May 13, 2015 until March 22, 2016 and August 16, 2015 until December 16, 2015.

I. Annual County Financial Disclosure

The Board received and reviewed 314 Financial Disclosure Statements, with 100% employee filing.

II. Ethics Trainings

The Board far exceeded the 2015 statutory requirement of one training seminars. The Suffolk County Board of Ethics provided trainings at 6 in-person trainings, inclusive of the first county wide training with attendance from 14 County Departments. Total in person attendance was approximately 206 attendees. The online training module is available to all 9,000+ County employees online through the County's intranet page. In addition to the New York State Continuing Legal Education accreditation, The Board also secured Continuing Education Credits from the New York State Department of Education for County Employee Certified Public Accountants and Public Accountants.

III. Board Requests

The Board received 19 written requests for Advisory Opinions regarding the Suffolk County Ethics Laws. The Board also received 5 disclosures and 10 miscellaneous requests.

IV. Complaints/ Investigations/Adjudications/Subpoenas

In 2015, the Suffolk County Board of Ethics received 5 complaints. Of these, the Board found 2 to have no reasonable cause to allege a violation of the Suffolk County Ethics Laws. Of the remaining, 3 were not in the Board's jurisdiction. Additionally, the Board converted a self-initiating public record review into a formal investigation. This investigation is on-going and the Board, upon the authority of Suffolk County Administrative Code A30-7, issued subpoenas following a supermajority vote of the Board. Board activity concluded that all County vendors do not have a copy of the County Code of Ethics pursuant to County SOP A-06.

V. Custodian and Clerk of all Board of Ethics Records

The Suffolk County Board of Ethics maintains and performs the clerking functions for all Suffolk County Annual Financial Disclosure Statement records, all Board generated documents, all Suffolk County Elected Official Sworn Statements, FOIL requests, all Board confidential records, and all records designated to the Board by statute. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law.

VI. Budget

The Suffolk County Board of Ethics 2015 budget for all salary, vendors, contracts, and expenses was \$300,711. The Budget was under expended due to investigations resolving prior to subpoenas. The Board is in active investigations, and it is projected the 2016 budget, totaling \$281,857 will be fully expended this year. The Suffolk County Board of Ethics remains the County's smallest operating budget with two employees and annually requests additional staff.

II. INTRODUCTION

This report covers the time period of January 1, 2015 through December 31, 2015.

The Suffolk County Board of Ethics was established pursuant to Local Law No. 56-2011, which became effective in March 2012. The Board was fully formed in the summer of 2012, and has established its offices in Great River.

Article XXX of the Suffolk County Charter vests in the Board of Ethics the authority and responsibility to:

- 1) Provide ethics training and education to Suffolk County's public servants;
- 2) Render advisory opinions to Suffolk County's public servants on ethics and conflicts of interest issues;
- 3) Make financial disclosure statement forms available to persons required to file pursuant to Chapter 77, Article 2 of the Suffolk County Code, and review such statements; and
- 4) Conduct investigations and hearings to determine if ethics violations have occurred and to impose penalties as authorized by local law.

The Administrative laws governing the Board of Ethics are found at Article XXX of the Suffolk County Administrative Code. The Suffolk County Code of Ethics is found at Chapter 77, Section I, Article I. The Financial Disclosure Law is found at Chapter 77, Section I, Article II of the Suffolk County Code.

This report reviews the Suffolk County Board of Ethics accomplishments during 2015 under the following headings:

- I. Executive Summary
- II. Introduction
- III. Members and Staff of the Suffolk County Board of Ethics
- IV. Budget
- V. General Counsel
- VI. Training and Education
- VII. 2015 Legislation
- VIII. Board Policies
- IX. Legislative Recommendations and Code Review
- X. Financial Disclosure Statements
- XI. Investigations/Fines/Referrals
- XII. Advisory Opinion Requests
- XIII. Complaints
- XIV. Freedom of Information Law
- XV. Elected Official's Sworn Statements
- XVI. Administration
- XVII. Information Technology
- XVIII. 2016 Initiatives

III. MEMBERS AND STAFF OF THE SUFFOLK COUNTY BOARD OF ETHICS

The Members of the Suffolk County Board of Ethics serve four year terms. Under the Suffolk County Charter, the Board must consist of five members. The Board operated with two vacancies from May 13, 2015 until March 22, 2016 and August 16, 2015 until December 16, 2015.

Two of the members are appointed by the County Executive, one by the Presiding Officer of the Legislature, one by the Majority Leader of the Legislature, and one by the Minority Leader of the Legislature. All appointments are subject to approval by the Legislature and are volunteer positions. Members are paid a \$200.00 stipend per meeting with a maximum of \$4800.00 per year. In 2015, the Suffolk County Board of Ethics convened 24 times from January 1 through December 31. Staff consists of two full time Suffolk County employees, the Executive Director, Samantha Segal and Confidential Secretary to the Board, Darlene Kurrass.

Members

1. Chair: Linda A. Spahr, Esq. - 2nd Term 6/26/2012-6/26/2019
 - Appointed by Minority Leader
 - Former Chief Environmental Crime Unit Suffolk County District Attorney's Office
 - Former Deputy Bureau Chief Suffolk County Law Department
 2. Vice-Chair: Richard F. Halverson, Ph.D. 2nd Term 4/6/2014-4/5/2018
 - Re-Appointed by County Executive
 - Former Deputy Comptroller City of New York
 - Former Executive Vice President St. Francis College
 - Former Deputy Chancellor City of New York Board of Education
 - Member of Budget and Finance Committee of Town of Southampton
 3. Dennis O' Doherty – Term 3/4/2014-3/26/2016
 - Former New York State Legislator
 - Trustee of Dowling College
 - Appointed by Presiding Officer
 - Decorated WWII Veteran
 4. Anthony Parlatore, Esq. (Filling Term Ending 3/27/2019)
 - Appointed By Majority Leader On 12/15/2015
 - Past member of Suffolk County Bar Association ethics committee grievance committee, judicial screening committee
 5. Eric Kopp (Filling Term Ending 6/25/2018)
 - Appointment by County Executive to fill vacant term ending 6/25/2018.
 - Former Deputy Suffolk County Executive
- (Resigned 5/13/15) Robin L. Long, Esq. - 2nd Term 6/26/2014-6/25/2018 (Resigned 5/13/15)
 - Re-Appointed by County Executive
- (Resigned 8/16/15) Heather M. Palmore, Esq. - Term 3/27/2015-3/27/2019 (resigned 8/16/15)
 - Re-Appointed by Majority Leader

IV. BUDGET

A. Budget

The 2015 Approved Budget is attached hereto as Exhibit "A". The Suffolk County Board of Ethics 2015 budget for all salary, vendors, contracts, and expenses was \$300,711. The Board's budget was under expended due to proactive measures to avoid litigation and no formal investigation requiring Court appearances and depositions.

The Board is in active investigations, and it is projected the 2016 budget, totaling \$281,857 for all salary, vendors, contracts, and expenses, will be fully expended this year. The Suffolk County Board of Ethics remains the County's smallest operating budget with two employees and annually requests additional staff.

The Board is continually assessing the needs of additional resources and staff including investigators, staff counsel, and administrative support. The Board requested a part-time departmental attorney for 2015. The intended duties for this position include tribunal hearing document preparation, Board representation at tribunal hearings, pleadings, FOIL Officer, and staffing of ethics hotline. The Board requested this position again for 2016, as well as a paralegal position. Neither position has been funded. The ongoing staffing needs are continually being reassessed and the Board will request said positions again, if appropriate, for 2017.

B. Debts

The Agency does not have any outstanding debts. All liabilities are paid for through the Suffolk County approved budget.

**V. LEGAL SERVICES: INDEPENDENT GENERAL COUNSEL AND
COUNTY LAW DEPARTMENT**

Suffolk County Charter, § C30-4, Staffing, requires the Board, by a majority vote of the Board's entire membership, shall appoint an executive director, a secretary, and independent counsel. As such, the Suffolk County Board of Ethics conducted a search in 2013 for independent General Counsel via an "RFQ" process. General Counsel's service contract includes representing the Board in all adversarial matters, policy making, and changes in the law which impact the Board's authority. Additionally, Counsel has provided the Board with 16 legal opinions on policy matters, 7 of which occurred in 2015.

The Board advertised this "RFQ" in the Smithtown Messenger, The Suffolk County Lawyer, Touro Law School, Hofstra Law School, and St. John's Law School. The Executive Director and Board Members also contacted firms with the required practice areas which resulted in 22 law firms requesting the "RFQ". Six firms responded, four of six were interviewed for General Counsel. The Board qualified one firm located in Suffolk County, Ingerman Smith LLP, through this process midyear in 2013. Suffolk County procurement approved the initial contract expiring 12/31/2015.

The Board in 2015 advertised for counsel through an RFP. Suffolk County Charter C30-4 requires the Board to staff independent counsel. In order to maintain this independence in the RFP selection process, the Board received approval from the Suffolk County Waiver Committee to have the RFP Panel inclusive of only Board Members and published an RFP for legal services through Suffolk County Procurement (Exhibit "L"). One bid resulted, and as per County procurement, the Contract procurement process and approval was presented to the Suffolk County Legislature under Resolution # 1178(Exhibit "M").

This contract term is January 1, 2016 through December 31, 2017 with three (3) additional one (1) year options to renew, through December 31, 2018, December 31, 2019 and December 31, 2020, respectively, which option is in the sole discretion of the Board of Ethics, on the same general terms and conditions. General Counsel's service contract includes representing the Board in all adversarial matters, policy making, and changes in the law which impact the Board's authority.

Two senior lawyers are assigned to work on this file are Partner: John Gross, Esq., and Christopher Clayton, Esq., Partner. Mr. Gross is an experienced litigator with clients inclusive of government entities and private sector for over 30 years and is the former President of the Suffolk County Bar Association. Mr. Clayton is an experienced litigator and served as a Suffolk County Assistant District Attorney for eight years where he received the Suffolk County District Attorney's Distinguished Trial Advocacy Award.

Suffolk County Law Department represents the Board as to legality of Contracts and procurement.

VI. TRAINING AND EDUCATION

Ethics Training conducted by the Suffolk County Board of Ethics is governed by the Suffolk County Administrative Code Section A30-2. As such, the Board in 2015 proactively trained employees from 14 different departments.

Training Consultant

In August 2013, by way of an “RFQ” procurement, the Suffolk County Board of Ethics retained Ingerman Smith, LLP as the Independent Training Consultant. In 2014, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2015. Two firms responded and the lowest bidder, Ingerman Smith, LLP, was awarded the contract not to exceed \$15,000.00. In 2015, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2016. One firm responded, Ingerman Smith, LLP, and was awarded the contract not to exceed \$15,000.00. The term of the contract is January 1, 2016 through December 31, 2016, with one (1) one-year extension at the Department’s option from January 1, 2017 through December 31, 2017.

Lectures

The Board far exceeded the 2015 statutory requirement of one training seminars. In total, the Suffolk County Board of Ethics provided trainings at 6 in person trainings totaling approximately 206 attendees. In 2015, the Board conducted their first “all employee” training. Attendance on that day was made by 14 County Departments (Law, Legislature, Fire Rescue Emergency Services, Traffic Parking Violations Agency, Department of Public Works, Real Property, Counsel to the Legislature, Comptroller, Department of Social Services, Probation, Health, District Attorney, Clerk, Parks).

Additionally, departmental trainings are specifically created with industry trends and legal issues relevant to the department’s operations. Such trainings are a collaborative effort between the Department Head, Executive Director, and Independent Training Consultant to provide the most effective training. In 2015 the following Departmental trainings occurred:

- 1) Annual County wide (all Departments invited)
- 2) District Attorney’s Office
- 3) Suffolk County Comptroller
- 4) Health
- 5) Financial Disclosure Information Session

Elected Officials

Suffolk County Administrative Code Section, A30-2(B) requires, “all elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office”. As such, in 2015 the Board extended multiple training options inclusive of in person one-on-one trainings, departmental trainings, and online training to elected officials to satisfy this requirement (Exhibit “J” Elected Official Training Letter).

Continuing Education Credits

Additionally, in 2015 the Board issued over 150 continuing Legal Education credits to over 75 County Employees who are licensed attorneys in New York State. Additionally, the Board was successful in maintaining their New York State Bar Association Continuing Legal Education ethics credits from 2014-2017 for its “Suffolk County Ethics Laws” lecture presentation. (Exhibit “C”) – 2014-2017 New York State Bar Association Continuing Legal Education Accreditation attached).

In 2015, the Suffolk County Board of Ethics became an approved provider also with the New York State Department of Education for Certified Public Accountants and Public Accountants. The Suffolk County Board of Ethics now provides this additional Continuing Legal Education credit for employees in varying departments by Suffolk County ((Exhibit “D”)New York State Department of Education Accreditation).

Online Training

The Board’s interactive web based training module which provides general employee Ethics training with a certifying quiz is available on the County internet. This program also offers an “Exit Interview” training that covers the prohibitions post Suffolk County employment.

Ethics Booklet New Employee Distribution

Suffolk County Administrative Code A30-2 (D) requires “all County employees hired or qualified to serve by the County of Suffolk after the effective date of this article shall receive the ethics booklet prepared by the Board at their orientation session and shall sign a statement that they have received the booklet and understand that they must abide by the conflict of interest rules contained therein during their employment with the County. Such statement shall be maintained in the employee's personnel file.”

The Board of Ethics has informed all Departments of their ability to direct order booklets as needed with new hires and an electronic copy is available on the Board’s website. Additionally, Suffolk County Civil Service distributes the booklet at new employee orientations and has been direct ordering from the Suffolk County print shop.

Upcoming 2016 Training Schedule

The Board’s training schedule for 2016, an even-numbered year, requires two training seminars. As such, the Board continues to offer Departmental specific trainings, an all Department training, and subject specific trainings such as “gifting” and “post-employment”.

2015 Newsletters

The Board published two all employee newsletters in 2015 (Exhibit “F”).

Ethics by Posters Series

The Board has taken steps to be as visual to as many public servants as possible. The “Ethics by Posters” series has been continued and now has five posters that are circulated to the County departments. These posters are designed with the general County employee as their target audience on the subject matters of advisory opinions, financial disclosure statements, post-employment, and gifts. (Exhibit “E”) – Ethics by Posters Series).

Please see posters and ordering options on pages 12,13,and 14.

SCBE "Ethics by Posters Series" posters measure 11" x 17"
Ethics posters and Ethics booklets can be direct ordered by County Departments through the County Print Shop or through the Board at 854-0022

Educate Yourself



...is how much you could be fined
for violating the County ethics laws.

ETHICS Penalties for Offenses

As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws please contact the Suffolk County Board of Ethics or visit our webpage.



Suffolk County Board of Ethics
Location: Sunrise Business Center, 3500 Sunrise Highway, Great River
Mailing: 335 Yaphank Avenue, Yaphank, New York 11980
Office: 631.854.0022
www.SuffolkCountyNY.gov



Prohibited Interests



ETHICS Prohibited Interest in Government Contracts

Did you know that your family member's contract could put you in conflict with the Suffolk County ethics laws? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding prohibited interests please contact the Suffolk County Board of Ethics or visit our webpage.



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Financial Disclosure Statements



ETHICS Financial Disclosure Statement Filing **DEADLINE: MAY 15th**

As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct. For more information on the ethics laws regarding financial disclosure, please contact the Suffolk County Board of Ethics or visit our webpage.



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Post-Employment Laws



ETHICS Post-Employment Restrictions

Getting ready to leave County service? Do you know that certain laws and regulations still apply even after you walk out of the door? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding post-employment, please contact the Suffolk County Board of Ethics or visit our website.



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**Happy Birthday, Congratulations,
and Thank You...**



ETHICS
Gifts

Have you ever wondered if giving or accepting a gift at work is allowed? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding gifts, please contact the Suffolk County Board of Ethics or visit our website.


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Advisory Opinions



ETHICS
Advisory Opinions

Worried about a potential conflict of interest? Do you know that the Suffolk County Board of Ethics is here to help? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding advisory opinions and conflicts of interest, please contact the Suffolk County Board of Ethics or visit our webpage.


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Advisory Opinions



ETHICS
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Prohibited Interests



ETHICS
Prohibited Interest in Government Contracts

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ETHICS

Prohibited Interest in Government Contracts

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Educate Yourself



ETHICS Penalties for Offenses

Did you know that penalties for violating the County ethics laws could result in: (1) Voided contracts, sales, or transactions; (2) fines of up to \$10,000; (3) suspension or removal from employment; (4) misdemeanor; and/or (5) imprisonment? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through training, transparency, and trust.

For more information on the ethics laws please contact the Suffolk County Board of Ethics or visit our webpage.



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ORDERING INSTRUCTIONS

SCBE "Ethics by Posters Series"
posters measure 11" x 17"
Ethics posters and Ethics booklets
can be direct ordered by County
Departments through the
County Print Shop or through the
Board at 854-0022

Code of Ethics Booklet

ETHICS AND ACCOUNTABILITY

COUNTY OF SUFFOLK



Revised November 2015

Printed November 2015

Version 1.2

1

VII. ADOPTED 2015 LEGISLATION

1. Resolution 325, to reappoint member to the Suffolk County Board of Ethics (Heather M. Palmore, Esq.). Adopted / Charter Approved 04/28/2015.
2. Resolution 760, to reappoint member to the Suffolk County Board of Ethics (Linda A Spahr, Esq.). Adopted / Charter Approved 09/09/2015.
3. Resolution 1172, to appoint member to the Suffolk County Board of Ethics (Anthony M. Parlatore, Esq.). Adopted / Charter Approved 12/15/2015.
4. Resolution 1178, Requesting legislative approval of a contract award for a sole responder to provide legal counsel services to the Suffolk County Board of Ethics, Approved 12/18/2015.
5. Resolution 356, Charter Law to Strengthen Lobbyist Registration and Reporting, Adopted / Charter Approved 6/5/15. This law removed the Suffolk County Board of Ethics as the filing and regulating entity of the Suffolk County Lobbying Laws.
6. Local Law 1-2015, Charter Law to Update Ethics Statute. This law places all County Financial Disclosure Filers under the Board's jurisdiction to impose fines. Effective 1/27/2015.

VIII. BOARD POLICIES

In 2015, the Suffolk County Board of Ethics continued to implement Board policies and procedures inclusive of:

- 1) Uniform Redaction Policy
- 2) Referral to the Suffolk County District Attorney Policy
- 3) Investigation Procedures
- 4) Hearing Procedures
- 5) Freedom of Information Procedures
- 6) Ethics Complaint Procedures

Attached hereto is a complete record of all such policies (Exhibit "H").

IX. CODE REVIEW¹

A. CODE REVIEW

1. Suffolk County Code, §77-10: As set forth in the “2014 Suffolk County Board of Ethics Annual Report”, the Suffolk County Code §77-10 lists the County employees who are required to file annual County financial disclosure statements. Subsection (E) requires each employee from only the offices of the County Executive’s office and County Legislature who holds independent exercise of managerial or policy making functions to be deemed a required filer. Subsection (F) establishes that only policymakers, not management as required in subsection (E), from other departments are not required under law to file. Subsection (F) requires each County employee, other than an employee of the County Executive and County Legislature, who holds a policymaking position to be deemed a required filer.

Conclusion: Expanding this provision would result in a more inclusive filer list similar to that of other filing jurisdictions such as New York City and New York State.

Suffolk County Department	2015 Department Head Designated as Number of Required Financial Disclosure Filers
Board of Elections	9
Board of Ethics	1
Civil Service	1
Clerk	6
Comptroller	3
County Attorney	55
District Attorney	4
DPW	17
DSS	8
Economic Development & Planning	16
Executive	21
FRES	5
Health Services	6
Information Technology	3
Labor	8
Legislature	22
Medical Examiner	0
Parks	1
Police	2
Probation	3
Public Administrator	2
RPTSA	2
Sheriff	6
Traffic & Parking Violations Agency	2
Treasurer	2

¹ NY GML 808(2) 2. The board (County ethics board) shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.

2. Suffolk County SOP A-06 paragraph 6(b)(3) : The County SOP A-06 requires County Department Heads to provide the vendor with the copy of the Suffolk County Code of Ethics Booklet.

Conclusion: All County vendors do not have a copy of the County Code of Ethics pursuant to County SOP A-06. As such, compliance may increase if the Suffolk County Code of Ethics Booklet be available to all potential bidders with Suffolk County procurement competitive bidding documents and/or as a standardized attachment to all vendor contracts.

3. Definitions: The definition sections of Suffolk County Administrative Code §A30-1 nor Suffolk County Code§ 77-1 have a definition for the word “gift”. As there are gifting prohibitions under the Suffolk County Code, the lack of a definition impacts the Board’s analysis in advisory opinions and complaints. The Board has received inquiries from Legislators, Commissioners, and Department Heads as to what constitutes a gift.

Conclusion: Compliance with the County Ethics laws may increase with a statutory definition of gift. The Legislative Law Section 1-c(j) as amended by Chapter 399 of the Laws of 2011 Definition of “gift”, which is inclusive of exemptions, is adopted as the definition of gifts in New York State. In New York City, Charter section 2604(b)(5) defines gifts and also sets forth practical exemptions.

X. FINANCIAL DISCLOSURE STATEMENTS

Financial Disclosure Statements

Pursuant to § A30-4, Financial Disclosure, the Board shall make financial disclosure statement forms available to all persons required to file pursuant to the requirements of Chapter 77, Part 1, Article II, of the Suffolk County Code. The Board shall review and maintain these statements and otherwise administer and enforce the financial disclosure requirements in accordance with the provisions of Chapter 77, Part 1. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law.

In 2015 all required County employees filed. 11 non-County employees failed to file. As the non-County employee filers became subject to Board fines for financial disclosure filings through Local Law 1-2015 effective 1/27/2015, the Board of Ethics is serving these filers Notices of Violations. Hearings are calendared 2016.

2015 Financial Disclosure Statement Filings

<i>Filer Designation</i>	<i>Total Required to File</i>	<i>Total Filed</i>
County Employees	184	184
Non County Employee Filers	108	98
Elected Officials	22	22
TOTAL	314*	304

**Individuals holding multiple filing positions are counted in the “total required to file” tally.*

XI. INVESTIGATIONS/FINES/REFERRALS

Investigations and Hearings

The Suffolk County Administrative Code Section A30-7 authorizes the Board of Ethics to conduct any investigation necessary to carry out the provisions Article XXX and Chapter 77, Part 1 of the Suffolk County Code. As such, the Board established processes and procedures to conduct investigations. In doing so, the Board developed two lines of investigations: 1) formal and 2) informal.

2015 Formal Investigations: In 2015, the Suffolk County Board of Ethics commenced one formal investigation converted from a public record review and subsequently issued subpoenas upon supermajority vote. The investigation is active. Under County Law, final determinations of the Board are to be made public.

Formal Investigations are regulated under Board procedure as set forth below:

“Formal Investigations”: The Board can commence a formal investigation with powers to administer oaths and affirmations and serve subpoenas upon approved Board motion at any time based up information received through a complaint, advisory opinion request, review of a Financial Disclosure Statement, review of any public record, or upon receipt of any documentary evidence. All subpoenas

must be issued by a supermajority vote of the entire membership of the Board. *Suffolk County Administrative Code at section A30-7*. Upon conclusion of a formal investigation, a reasonable cause vote shall take place. If reasonable cause is found to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article 1 of the Suffolk County Code or other applicable provision of law, the Board may conduct a Hearing pursuant to Board investigation “Hearing Procedures” passed on November 20, 2013 as set forth below in entirety”. (*see Suffolk County Board of Ethics “Investigation Procedures”*)

2015 Informal Investigations: As the Board strives for strict public disclosure through the current laws, the Board authorized a 2015 delineated audit on disclosure questions that focused employee and spouses on outside employment and government contracts. This was accomplished by the Board requesting that all filers who disclosed outside employment, or an interest in a government contract, provide 1) a copy of the Department’s approval and/or County SOP A-15 dual employment form and/or 2) the Comptroller’s Vendor Disclosure Form 22 respectively. This resulted in the Board conducting second level reviews on 24 filers. Of these filers, 16 included outside employment that had previously been disclosed in 2014 and the remaining 8 required additional information. Additionally, 65 filers were advised of instructional errors. The Board additionally placed FOIL requests upon multiple government agencies.

Such investigations are regulated under Board procedure as set forth below:

“***Informal Investigations***”: The Board can commence an informal investigation upon approved Board motion at any time. Such motion can be made based up information received through a complaint, advisory opinion request, review of a Financial Disclosure Statement, review of any public record, any information available to the public, or upon receipt of any documentary evidence. Such investigation shall be inclusive of fact-finding through public record searches and requests for documents from relevant persons. These duties shall be delegated by the Board to the Staff, General Counsel, or Investigator. Such informal investigation shall be without powers to administer oaths and affirmations or serve subpoenas. All findings of an informal investigation may be used in a subsequent formal investigation. Upon conclusion of an informal investigation, a reasonable cause vote shall take place. If reasonable cause is found to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article 1 of the Suffolk County Code or other applicable provision of law, the Board may conduct a Hearing pursuant to Board investigation “Hearing Procedures” passed on November 20, 2013.””. (*see Suffolk County Board of Ethics “Investigation Procedures”*)

All such investigation procedures are available on the Suffolk County Board of Ethics webpage. With respect to any investigation, the Executive Director assists filers by apprising them of Board procedures and acting as a liaison between the filers and the Board. General Counsel to the Board reviews all papers submitted on adversarial matters and advises the Board of the legal implications of policy decisions.

C. FINES AND REFERRALS

1. Fines

In 2015, the Suffolk County Board of Ethics imposed no fines.

2. Referrals

The Suffolk County Board of Ethics referred two matters to the Suffolk County District's office.

XII. ADVISORY OPINION REQUESTS

The Suffolk County Board of Ethics received 19 requests for Advisory Opinions in 2015. Opinions are available to the public in redacted form through FOIL and the Board's website.

The Board maintained compliance with the statutory provisions under the Suffolk County Charter and all Advisory Opinions were rendered within 45 days of completed fact-finding. Upon determining a request has standing, a fact-finding is commenced from which the Board renders their final Advisory Opinion. Advisory Opinions are catalogued by subject matter and section of law pursuant to statute.

XIII. COMPLAINTS

The Board has limited jurisdiction to process complaints as to only violations of Chapter 77, Part 1, Article I, of the Suffolk County Code or other applicable provision of law governing conflicts of interest by a public servant or former public servant. As such, all complaints alleging offenses that are outside of the Board's jurisdiction are rejected.

In 2015, the Suffolk County Board of Ethics received 5 complaints. Of these, the Board found 2 to have no reasonable cause to allege a violation of the Suffolk County Ethics Laws. Of the remaining, 3 were not in the Board's jurisdiction. Additionally, the Board converted a self-initiating public record review into a formal investigation. This investigation is on-going and the Board, upon the authority of Suffolk County Administrative Code A30-7, issued subpoenas following a supermajority vote of the Board. The Ethics Violation Complaint Procedure and Form are available on the Suffolk County Board of Ethics webpage.

XIV. FREEDOM OF INFORMATION LAW

The Board received and fulfilled 47 Freedom of Information Law ("FOIL") Requests, 13 required a FOIL production by the Suffolk County Board of Ethics FOIL Officer. All FOIL Requests, including those that were filed with the Board for records not maintained by the Board, were responded to in compliance with the FOIL mandates. The Board maintains a FOIL Subject Matter Index that categorizes all materials, exemptions, and protocols. (Exhibit "I" 2015 FOIL Subject Matter Index). The Board additionally placed FOIL requests upon multiple government agencies.

XV. ELECTED OFFICIAL’S “TRUTH AND HONESTY IN GOVERNMENT LOBBYING” STATEMENTS

The Board is also the custodian of, and maintains, the filed Elected Official’s “Truth and Honesty in Government Lobbying” Sworn Statements. The Board’s administrative staff maintains these documents for the 18 Legislative Offices and the 6 Elected Official Department Heads.

XVI. ADMINISTRATION

A. Location

The Suffolk County Board of Ethics relocated its office from 335 Yaphank Avenue, Yaphank, New York 11980 to 3500 Sunrise Highway, Great River, New York 11739. This relocation was presented to the Suffolk County Space Committee and approved in spring 2014. The relocation was based on the Agency’s need to produce confidential legal work product in a secure facility. The new location was chosen due to its 24-hour security staff and easy assimilation to the adjacent Suffolk County Department (Health) that has protocols in place for confidential records under HIPPA.

B. Document Due-Diligence and Cataloging

The Suffolk County Board of Ethics staff exercises daily due diligence and audits for document retention and accuracy. Set forth below are the categories of documents which undergo cataloging at the Board’s office:

Document Type	Management System
Adjudication Pleadings	Separate physical and electronic file folders are maintained for each individual, organized by batch number and name (i.e.: Batch 1 – Jane Doe).
Notice of Violation	Separate physical and electronic file folders are maintained within each individual’s physical and electronic file containing all Notices of Violation served by the Suffolk County Board of Ethics for the 2013 Financial Disclosure Statements where they are grouped by batch number, name, and index number (i.e. Index Number FDS 001/2013).
Orders	Separate physical and electronic file folders are maintained within each individual’s physical and electronic file containing all orders issued by the Suffolk County Board of Ethics for the 2013 Financial Disclosure Statements where they are grouped by meeting date, name, and index number (i.e. Index Number FDS 001/2013).
Advisory Opinions	Separate physical and electronic file folders are maintained for each individual, organized by Advisory Opinion Request number (assigned in order of date of request) and name (i.e.: AO-2015-1 John Doe).

	Advisory Opinions are available on the Board's webpage in redacted (pursuant to §A30-3 (D)) form.
Agendas & Minutes	Separate physical and electronic file folders are maintained.
Articles & Publications	Separate physical and electronic file folders are maintained.
Complaints	Separate physical and electronic file folders are maintained for each complaint, organized by complaint number (assigned in order of date of request) and name (i.e.: C-001-2015 John Doe).
Financial Disclosure Statements ("FDS")	FDS Statements are filed in alphabetical order within the applicable Department, Board, Commission, or Agency's file. Each FDS Statement is assigned an FDS number (i.e.: FDS# 001/2015).
2015 Financial Disclosure Statement Workbook	Contains 42 spreadsheets, of those the following are included: Departmentally Organized Index, Alphabetically Organized Index, Status (FDS Number (i.e.: FDS# 001/2014), filer name, category of filer, filing date, privacy requested, incomplete status, and tracks all letters sent to filers, Privacy Requests, Audit, Review, Deadlines, and a separate spreadsheet for each Department, Agency, Board, Commission, or Council containing required filers and filing status.
Freedom of Information Law Requests ("FOIL")	Separate physical and electronic file folders are maintained for each FOIL request, organized by FOIL number (assigned in order of date of request) and name (i.e.: FOIL-001-2014 Jane Doe).
2015 Mail Spreadsheet	Electronic file folders are maintained containing information of all mailings and facsimiles received by the office. Information Entered: Mailing Number, Date, Sender, Sender's Address, Contents, Mail Type, and Tracking Number (if available).
Notices of Public Meetings	Separate physical and electronic file folders are maintained of the Notice of Public Meeting, email to Legislature approved County newspapers, Fax to Sheriff's Office for Notice posting on County Public Bulletin Board, and screenshot of online notice posting on the Board's webpage.
Miscellaneous	Separate physical and electronic file folders are maintained for each miscellaneous document, letter, inquiry, etc., organized by "miscellaneous" item number (assigned in order of date of request) and name (ie: M-001-2015 John Doe).

C. Supplies and Services

The Suffolk County Board of Ethics orders all office supplies from County approved vendor W.B. Mason. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law. Disposal of records occur onsite with County approved vendor “Data-Struction”.

XVII. INFORMATION TECHNOLOGY

The Suffolk County Board of Ethics maintains an independent webpage on www.SuffolkCountyNY.Gov. The webpage includes the following:

- | | |
|---------------------------------|---|
| 1. Notices of Public Meetings; | 8. Links to Local Laws; |
| 2. Meeting agendas and minutes; | 9. Forms; |
| 3. Complaint procedures; | 10. Contact information; |
| 4. Advisory opinion procedures; | 11. Press Releases; |
| 5. FOIL procedures; | 12. Contracting opportunities; |
| 6. Adjudication procedures; | 13. Training and educational materials; |
| 7. Hearing Procedures; | 14. Newsletters. |

The Suffolk County Board of Ethics webpage is maintained and updated on a monthly and as-needed basis. In effort to maintain confidentiality at all points of contact, the Board does not accept complaints or requests for advisory opinions via email. All such correspondence to and from the Board are made by facsimile, mail, or hand delivery. Google Analytics provides reports as to the usage of the Board’s webpage reporting over 3,100 page views in 2015 (Exhibit “K” – 2015 Google Analytic Webpage Reports).

In 2015, administrative staff attended a security training and worked with the Suffolk County Department of Information Technology to ensure that the Board’s webpage met, and continues to meet, A.D.A. compliant standards.

The Board’s initiative to have online Annual Financial Disclosure capabilities is contingent on programming and identity theft measures which can exclusively be provided by the Suffolk County Information Technology Department. At this juncture, the Suffolk County Information Technology Department has informed the Board that the technology is not available for efforts on this initiative. The Suffolk County Print Shop created a fillable PDF file for the Annual County Financial Disclosure form in 2014 which was available to all required filers in 2015.

XVIII. 2016 INITIATIVES

- 1) To exceed the statutory requirement of one training seminar inclusive of specialized departmental trainings;
- 2) To distribute the Code of Ethics Plain Language Guide;
- 3) To continue the “Ethics by Posters” Series;
- 4) To continue providing all requestors timely advisory opinions;
- 5) To continue conducting hearings and investigations pursuant to the Suffolk County Ethics Laws;
- 6) To conduct due diligence, first and second level, reviews of all County Financial Disclosure Statements;
- 7) To provide members of the public, and public servants, with ongoing guidance and education, preemptively and upon request, relating to the Suffolk County Ethics Laws;
- 8) To maintain A.D.A. compliance on all webpages;
- 9) To continue administering online training; and
- 10) To work with the Department of Information Technology to create an electronic filing system for County Financial Disclosure Statements.

Samantha Segal
Executive Director
Submitted