

SUFFOLK COUNTY BOARD OF ETHICS

Annual Report

*Dated February 25, 2020 for the 2019 Operating Year
Suffolk County Administrative Code § A30-10 Submission*



WWW.SUFFOLKCOUNTYNY.GOV/AGENCIES/ETHICS

Members

Eric A. Kopp - Chair
Linda A. Spahr, Esq. - Vice Chair
Dennis O' Doherty - Member
Anthony Parlatore, Esq. - Member
David Bekofsky - Member

Staff

Samantha L. Segal, Esq. - Executive Director
Darlene Mohlmann - Board Secretary
Phyllis Gagliardi - Board Investigator

Date Adopted by the Suffolk County Board of Ethics

Public Record Subject to FOIL

§ A30-10 Submission to: Suffolk County Executive

§ A30-10 Submission to: Suffolk County Legislature

SUFFOLK COUNTY BOARD OF ETHICS 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
ERIC A. KOPP**

On behalf of the Suffolk County Board of Ethics, I am proud to report that the members made service on the Suffolk County Board of Ethics a priority ensuring that we had a quorum for scheduled meetings. As this report is submitted, there are no vacancies on the Board.

During the 2019 calendar year, the Board convened 24 times and the Board's budget was under expended. In satisfaction of its powers and responsibilities set forth in Section C30-3 of the County Charter, the Board accomplished the following:

1. The Board received 20 advisory opinion requests, all requests were completed within the County law timeline and closed by the end of 2019;
2. The Board produced over 3,000 pages in public records through FOIL requests;
3. The Board, through their Staff, received and reviewed County Financial Disclosure Statements and advised 16 Suffolk County department heads of filers listing outside income;
4. In conjunction with the County I.T. Department, the Board implemented the County's first data base clerking program for the County Financial Disclosure Statements;
5. In conjunction with the County I.T. Department, the Board implemented the County's first Desktop Ethics Educational Employee Resource Page on the County Intranet;
6. The Board continues to facilitate their responsibilities in transparency and is awaiting an office relocation and external office signage as the Board was approved this relocation in furthering the Open Meetings Law and for administrative measures;
7. The Board's online website is maintained with public information including indexed advisory opinions, procedures, minutes, agendas, and 2019 was one of the highest online webpage uses since inception resulting in over 5,000 online visits;
8. The Board exceeded the ethics training program requirement of one program in odd numbered years by providing two in person seminars bringing the in person seminar total to 36, far exceeding the County law requirement of 1 or 2 trainings in alternating years. Additionally, all County of Suffolk Elected Officials from 2013-2019 fulfilled their trainings pursuant to Suffolk County Administrative Code §A30-2(B);
9. The Board continued to expand their non-seminar educational initiatives inclusive of educational posters, administrative educational pamphlets, gifting prohibitions, elected official and candidate "quick reference" literature;
10. The Board participated in the State of New York's Statewide Ethics Review

The Board of Ethics and its staff welcome inquiries and input from all members of the community.

Respectfully Submitted,

Eric A. Kopp
Chair of the Suffolk County Board of Ethics

STAFF 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 and establish a system that provides the public with transparency, independence, and protocols.

In 2019, the Staff 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 education and government safeguards, the Staff is dedicated to being accessible to the public and public servants so that they can be heard by the Board with process. The Board's website is accessible to the public with the Board's forms, educational materials, rendered advisory opinions, subject matter index, and procedures.

The Board and Staff are looking forward to the 2020 County of Suffolk Ethics initiatives as well as expanding the educational programming through focus groups and attendee interactive reviews.

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

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ATTACHMENTS AND EXHIBITS

Exhibit A	2019 Suffolk County Board of Ethics Data Programming Requests
Exhibit B	2019 Suffolk County Code of Ethics Booklet
Exhibit C	2019 Comparative Jurisdiction Conflicts of Interest Board Analysis
Exhibit D/E	2019 Training materials inclusive of seminar materials and Educational Pamphlets
Exhibit F	2019 County Intranet “Desktop Ethics”
Exhibit G	2019 Google Analytic Webpage Reports
Exhibit H	2019 Advisory Opinions
Exhibit I	2019 In person FDS Collection
Exhibit J	2019 Suffolk County Board of Ethics Budget and Organizational Chart
Exhibit K	2019 Request to Relocate
Exhibit L	2019 RFP
Exhibit M	2019 Board Member Appointment Resolutions
Exhibit N	2019 Suffolk County Legislature Resolutions
Exhibit O	2019 Suffolk County Board of Ethics Transparency Resolution
Exhibit P	2019 Meeting Dates
Exhibit Q	2019 “Ethics by Posters Series”

I. EXECUTIVE SUMMARY

In 2019, the Suffolk County Board of Ethics convened 24 times from January 1, 2019 through December 31, 2019 and under expended their County budget. During the course of the year, there were 28 Board matters calendared for a final Board vote including Advisory Opinions, Complaints, RFP Committee Votes, Miscellaneous, Referral from an outside government Agency, procedures and resolution. Throughout these matters the Board's public service initiatives were executed:

1) Administration of the Suffolk County Annual Financial Disclosure Statements 2) Ethics Trainings, 3) Rendering Advisory Opinions, 4) Regulatory review (Conflicts of Interest reviews/Investigations/and Adjudications) and 5) serving as the custodian and clerk of all Board of Ethics Records.

I. Annual County Financial Disclosure

The Board received and reviewed 467 Financial Disclosure Statements which were reviewed by the Board with subsequent outside employment outreach to 16 department heads regarding employees disclosing outside income.

II. Ethics Trainings

The Board exceeded the 2019 County law training requirement of 1 training seminars. In total in 2019, the Suffolk County Board of Ethics provided 2 in person trainings for the Planning Commission and Department of Probation (See Exhibits) bringing the attendees total from 2013-2019 to 36 in person seminars far exceeding the County law requirement of 1 or 2 seminars in alternating years. The County of Suffolk continues to support these educational initiatives with a total tally of over 1300 in person attendees. The Board will also be creating a focus group to revise its' training series and develop new seminars for 2020. As the Local Law allows the Board to use interactive on line web based technology to satisfy training requirements and publish the ethics booklets and materials, the online training module is available 24 hours a day, 7 days a week to all County employees online through the Suffolk County employee intranet page.

In addition, the Board is submitting their request to renew their New York State Continuing Legal Education accreditation. The Board's trainings provide Continuing Education Credits from the New York State Department of Education for County Employee Public Accountants. From 2013-2019, all Elected Officials have attended their mandatory training requirement under County Code A30-2(B). The Board continues to supplement their additional, non-seminar based training initiatives by expanding their public service announcement "Ethics by Posters" series inclusive of administrative "quick reference" literature for County Department Heads and Administrative Staff, and developing a "Recusal" poster series, literature, as well as the County of Suffolk's first County Employee "Desktop Ethics" educational resource page available to all County employees.

To date, County conflicts training attendees includes over 1,300 county employees who have attended in person trainings. This includes approximately 300 attorneys who received their professional education credits and 30 CPA's who received their professional education credits.

III. Board Requests/ Document Demands /FOIL

The Board received 20 written requests for Advisory Opinions regarding the Suffolk County Ethics Laws and all were rendered within the County Code required timeframe. Additionally, 2 complaints, 2 miscellaneous requests, 1 ethics referral from a State of New York Agency, RFP Committee votes, Board procedures and a resolution were all voted to completion in 2019. Additionally, over 3,000 pages were produced in FOIL and records requests.

In furtherance, the Suffolk County Board of Ethics participated in the State of New York's Statewide Conflicts of Interests/Ethics Audit resulting in all County Financial Disclosure Statements being reviewed by State auditors responsive to their scope period. The Suffolk County Board of Ethics was also highlighted in the Nassau County ethics audit scoring the highest in their auditing scoring of all Counties reviewed.

IV. Complaints/ Investigations/Adjudications

In 2019, the Board received 2 complaints and 1 referral from a New York State Agency. Upon full review, the Board found these to fall outside of their jurisdiction and/or not reaching the reasonable cause threshold to commence a formal investigation. In 2019, the Board through their investigator concluded over 60 conflict checks and 467 county financial disclosure statements to assess for county employee ownership and/or impermissible interests.

V. Custodian and Clerk of 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. The Board's website is accessible to the public and maintains the Board's forms, educational materials, rendered advisory opinions, subject matter index, and procedures.

VI. Budget

The Suffolk County Board of Ethics 2019 budget was under expended. This Budget for salary, vendors, contracts, and expenses was \$330,286. All costs including contract services for 2019 were paid within this approved allocated budget.

VII. Staffing & Offices

The Suffolk County Board of Ethics has 2 full time County employees and one part time County employee holding the titles Executive Director, Secretary, and Investigator. In 2019, the Board did not operate with their regular full time secretarial/clerking County employee. Temporary support staff was available for approximately 6 of the 12 months in 2019.

In 2019, the Board also submitted a space relocation request for its offices to the County Space Committee which was approved. Currently, the Board is awaiting this reassignment and in the interim has also requested external County signage identifying the office as the County Board of Ethics. The Board requested this change for increased transparency under the Open Meetings Law and office administrative functioning.

VII. Informational Technology

The Suffolk County Board of Ethics engaged in a joint effort with the County I.T. Department in 2019 to further the Board's initiatives through current technology. In 2019, the Suffolk County Board of Ethics launched the County's first ever County employee "*Desktop Ethics*" educational initiative and the County's first ever database for clerking the County Financial Disclosure Statements, "*FDS Web Application*".

II. INTRODUCTION

This report covers the time period of January 1, 2019 through December 31, 2019.

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 2019 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. 2019 Legislation
- VIII. Board Policies
- IX. Legislative Recommendations and Code Review
- X. Financial Disclosure Statements
- XI. Investigations/Fines
- XII. Advisory Opinion Requests
- XIII. Complaints
- XIV. Freedom of Information Law
- XV. Elected Official's Sworn Statements
- XVI. Staff and Office
- XVII. Information Technology
- XVIII. 2019 RFP
- XIX. 2020 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.

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 2019, the Suffolk County Board of Ethics convened 24 times from January 1 through December 31. Staff consists of its two full time Suffolk County employees since inception, the Executive Director, Samantha L. Segal, Esq. and Confidential Secretary to the Board, Darlene Mohlmann and part-time licensed private investigator Phyllis Gagliardi.

Members

1. Chair: Eric A. Kopp - term through 6/26/2022
 - Appointed by County Executive on 3/25/2016 and reappointed in 2018.
 - Served the administration of seven Long Island County Executives, including 12 years as Chief Deputy Suffolk County Executive
2. Linda A. Spahr, Esq. - Term 6/4/2019-6/26/2023
 - Appointed by Minority Leader
 - Former Chief Environmental Crime Unit Suffolk County District Attorney's Office
 - Former Deputy Bureau Chief Suffolk County Law Department
3. Dennis O' Doherty - Term 3/26/2016-3/26/2020
 - a. Re-Appointed by Presiding Officer
 - Former New York State Legislator
 - Served as Trustee of Dowling College
 - Decorated WWII Veteran
4. Anthony Parlatore, Esq. - Term 3/5/2019-3/27/2023
 - Appointed by Majority Leader on 12/15/2015
 - Past member of Suffolk County Bar Association Ethics Committee, Grievance Committee, and Judicial Screening Committee
5. David Bekofsky – Term 4/7/2018 - 4/7/2022
 - Appointed by County Executive
 - Former Administrative Director of Transplantation Services for Stony Brook University Medical Center including the administration of medical and transplant ethics
 - Former Director of Public information and Health education for Suffolk County Department of Health

IV. BUDGET

A. Budget

The 2019 Approved Budget is attached hereto as Exhibit “J”. The Suffolk County Board of Ethics 2019 budget for all salary, vendors, contracts, and expenses was \$330,286. The Suffolk County Board of Ethics remains the County’s smallest operating budget. All operating funds generate from the County general fund. The overall budget for 2019 was under expended by approximately 25%.

The County Board of Ethics current job titles do not include budget analyst, auditor, or payroll representative. As such, the offices of the County Executive and County Comptroller processes and disperse the Board’s submitted budget request, vendor vouchering requests for payment, employee benefits and payroll.

The Board is continually assessing the needs of additional resources and staff including investigators, staff counsel, and administrative support. The ongoing staffing needs are continually being reassessed and the Board will request additional positions again for 2020.

B. Debts

All bills and liabilities are paid for through the Suffolk County budget “General Fund” and the Board does not have a County bank account.

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 legal opinions on policy matters including opinions in 2018.

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. One bid resulted, and as per County procurement, the Contract procurement process and approval was presented to the Suffolk County Legislature under Resolution # 1178.

The Board advertised an additional RFP for 2019 resulting in two firms submitting responses. Ingerman Smith was the highest resulting bid from the evaluation committee review.

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.

The Partners assigned to work on the Suffolk County Board of Ethics matters are: John Gross, Esq., and Christopher Clayton, Esq... 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.

In accordance with County law and an interagency MOU, the Suffolk County Law Department maintains services with the Board as to legality of Contracts and procurement.

Litigation

There was no litigation commenced by, or against, the Suffolk County Board of Ethics in 2019.

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.

Training Consultant

In August 2013, by way of “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 and was extended until December 31, 2018. An SOQ was issued again for services through 2019.

In Person Seminars

The Board exceeded the 2019 County law training requirement of 1 training seminars. In total in 2019, the Suffolk County Board of Ethics provided 2 in person trainings for the Planning Commission and Department of Probation bringing the attendees total from 2013-2019 to 36 in person seminars far exceeding the County law requirement of 1 or 2 seminars in alternating years. The County of Suffolk continues to support these educational initiatives with a total tally of over 1300 attendees and the Board is creating a focus group to revise its’ training series and develop new seminars for 2020.

Department tailored 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.

Seminar and 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. To date, over 300 public servants have used this online training module.

The Board in 2020 is working with County I.T. to develop the most effective dissemination approach for increased use by County employees. For those employees who work night-shifts or weekend schedules, this online training can develop into the core training option.

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 County Ethics 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. The Booklet is available on the County internet, intranet, and is distributed in hard copy at all trainings. Department Heads can also request a DVD copy of the booklet.

Ethics Booklet Vendor Distribution

The County Ethics Booklet has multiple distribution points including by County Department Heads to County Vendors. In furthering this vendor distribution, the County Board of Ethics and the County Law Department worked together in placing the county ethics booklet as a hyperlink for all new contracts for vendors to be apprised of the County Code of Ethics at inception of procurement.

Upcoming 2020 Training Schedule

The Board's training schedule for 2020, an even-numbered year, requires two training seminars. As such, the Board will be scheduling Departmental specific trainings, a "General County Ethics Training", and subject specific trainings such as "gifting" and "post-employment".

Ethics by Posters Series - Public Service Announcement Initiatives

The Board has taken steps to be as visual to as many public servants and the public as possible. The "Ethics by Posters" series has been continued and now has 12 posters developed. 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. In 2019, the Board developed their "Recusal" public service announcement poster which will be distributed to all County Departments and elected officials upon final copy. Printing services associated with these posters are performed by the Suffolk County print shop in Yaphank, New York.

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 11989
 Office: 621.884.9022
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



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Advisory Opinions

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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.

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Prohibited Interests



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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2018 LOBBYIST NO GIFTS

No Gifts from Lobbyists



§77-3 (G) Prohibited Conduct

No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist. Penalty can be fine up to \$10,000 and a misdemeanor.

For more information on the ethics laws regarding prohibited conduct 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

VII. ADOPTED 2019 LEGISLATION

1. Resolution 174-2019 Introduced by Legislator Hahn : To Reappoint Member of Suffolk County Board of Ethics (Anthony M. Parlatore, Esq.)
2. Resolution 631-2019: Introduced by Legislator Cilmi: To Reappoint Member to the Suffolk County Board of Ethics Linda A. Spahr).

VIII. BOARD POLICIES

In 2019, 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

IX. CODE REVIEW

The Suffolk County Board of Ethics continues to work with the Suffolk County Legislature to strengthen the Ethics Laws. As such, the Board upon 2019 request of the Suffolk County Legislature extends these code review recommendations: 1) to support increased transparency and publish all County Financial Disclosure Forms on the County website for Elected Officials and Candidates 2) amend the penalties section of 77-16 to include “not to exceed language” and 3) amending section 77-10 to include a specific employee title list designation for County Financial Disclosure Statements.ⁱ

X. FINANCIAL DISCLOSURE STATEMENTS

In 2019, all required county employee and elected official filers submitted their financial disclosure forms. From this review, 16 Department Heads were notified of outside income disclosed on employee County Financial Disclosure Statements¹. In compliance with § A30-4, Financial Disclosure, the Board made available in 2019 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. Additionally, the Board reviewed and maintained these statements and otherwise administer and enforce the financial disclosure requirements in accordance with the provisions of Chapter 77, Part 1. For the current 2020 distribution cycle, the Board has also published the County Financial Disclosure form for employee download on the County intranet. It is of note that 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.

¹ County Executive, Probation, Police, Sheriff, Clerk, Comptroller, Department of Public Works, Fire Rescue Emergency Services, TPVA, Economic Development & Planning, Department of Social Services, Information Technology, Labor, and Health.

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.

2019 Informal and Formal Investigations: In 2019, the Board through their investigator concluded over 60 conflict checks and 467 county financial disclosure statements to assess for county employee ownership and/or impermissible interests. Additionally, the Suffolk County Board of Ethics received 2 third party complaint submissions and a referral from a New York State Agency. The Board also proceeded with collection efforts from a closed investigation for outstanding fines totaling \$37,000.

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”.

Informal 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.”

XII. ADVISORY OPINION REQUESTS

The Suffolk County Board of Ethics received 20 requests for Advisory Opinions in 2019 and all were rendered and/or closed within the County Code and Board procedural required timeframes. Opinions are available to the public in redacted form through FOIL and the Board's website. Upon determining a request has standing, a fact-finding is commenced from which the Board renders their final Advisory Opinions. Advisory Opinions are catalogued by subject matter and section of law pursuant to local County law. 2019 topics of Advisory Opinion requests received by the Suffolk County Board of Ethics included a variety of conflict of interest topics including:

- Department Head requests on County procurement/ familial conflicts check with subsequent mitigation of potential conflict (Suffolk County Code 77-7 (A), 77-3(C)),
- Per diem outside employment with high risk potential for same population served in the County (Suffolk County Code 77-3(B))
- Post-employment / direct contracting with County; specific exceptions to the Code (Suffolk County Code 77-6(I))
- Inactive 501(C)(3) and County vendors/lobbyist (Suffolk County Code 77-2(A) & 77-2(B), 77-3(B) & (C))
- Outside employment request in Veterans Affairs
- Post-employment prohibitions on appearing before the former employee's Department (Suffolk County Code 77-6(B) & (I))
- Outside employment geographically located outside of Suffolk County (77-3(B) & (C))
- Post-employment lecturing and current employee lecturing compensation (77-6(C) through 77-6(I))
- Public servants receiving permissible County benefit available to the general population
- Municipal vehicle sponsorship placement

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 2019, the Suffolk County Board of Ethics received 2 which were within the Board's current Jurisdiction. The Board also received an agency referral from a New York State agency.

Procedures are available on the Suffolk County Board of Ethics webpage, available from the Staff of the Board, and available at ethics trainings.

XIV. FREEDOM OF INFORMATION LAW

In 2019, the Board received 11 Freedom of Information Law ("FOIL") Requests and produced over 3,000 pages of FOIL records, and approximately 5,500 pages in total responsive to 2019 FOIL requests, via email for the

most time efficient method of production. These FOIL requests included FOIL productions of financial disclosure statements, recusals, and elected official sworn statements.

The Board maintains a FOIL Subject Matter Index that categorizes all materials, exemptions, and protocols. The Board additionally directed their investigative staff to submit FOIL requests upon multiple government agencies to further Suffolk County Board of Ethics public record review.

XV. ELECTED OFFICIAL’S “TRUTH AND HONESTY IN GOVERNMENT LOBBYING” STATEMENTS AND LOBBYIST SWORN 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 Agency Heads.

XVI. STAFF AND OFFICE

A. Location

The Suffolk County Board of Ethics office is located at 3500 Sunrise Highway, Great River, New York 11739. There is an approved office relocation request with the Suffolk County Space Committee. The Board made this request to facilitate higher transparency in compliance with the Open Meetings Law and Staff administrative functioning. The Board has received many complaints about the current location inaccessibility from the public and public officials. In order to remedy this inaccessibility and increase transparency, the Suffolk County Board of Ethics requested the new approved location be in the North County Complex in Hauppauge, New York.

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 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 2018 Financial Disclosure Statements where they are grouped by batch number, name, and index number (i.e. Index Number FDS 001/2019).
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-2019-1 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-001-2019 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# 001/2019).
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-001-2019 Jane Doe).
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 (i.e.: M-001-2019 John Doe).

C. Supplies and Services

The Suffolk County Board of Ethics orders office supplies from County approved vendor W.B. Mason and the County print shop where the Ethics by Poster series is printed. 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.

INFORMATION TECHNOLOGY

The Suffolk County Board of Ethics engaged in a joint effort with the County I.T. Department in 2019 to further the Board's initiatives through current technology. In 2019, the Suffolk County Board of Ethics launched the County's first ever County employee "Desktop Ethics" educational initiative and the County's first ever database for clerking the County Financial Disclosure Statements, the "*FDS Web Application*". (*Exhibit "A" County I.T. Programming Synopsis*)

"Desktop Ethics"

This educational initiative of "Desktop Ethics" was intended to reach all employees at their desktop terminal with an educational page of Board advisory opinions, online training, Board forms including the County Financial Disclosure Statement, and educational materials. This page is located under the "Employee Resources" tab of the County intranet, drop down, "Board of Ethics Educational Materials".

"FDS Web Application"

The FDS web application is a paperless solution for storing data from the Financial Disclosure forms used by the Suffolk County Board of Ethics.

Additionally, the Board's external webpage located at <https://www.suffolkcountyny.gov/agencies/ethics> 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. |

This Suffolk County Board of Ethics webpage is a method of outreach for the public and public servants. This website and all technology used by the Suffolk County Board of Ethics is maintained by the Suffolk County I.T. Department for cybersecurity and programming. The Board's webpage is viewed and assessed with Google Analytics which provides reports as to the usage of the Board's webpage reporting. The Board is pleased that 2019 was one of the highest online webpage uses since inception resulting in over 5,000 online visits. The website is maintained by the Suffolk County Department of Informational Technology, for ADA compliance.

Additionally, in 2019, the Suffolk County Information Technology Department in conjunction with the County Board of Ethics developed a data-entry program for the clerking of County Financial Disclosure Statements and is in its pilot use stage. In furtherance, the Suffolk County Print Shop created a fillable PDF file for the Annual County Financial Disclosure form for 2019 and 2020 which is now available on the County intranet.

The Board's interactive web based training module programmed by the Suffolk County Information Technology Department provides general employees an Ethics overview training with a certifying quiz. This program is available on the County intranet. This program also offers an "Exit Interview" training that covers the prohibitions post Suffolk County employment.

To date, hundreds of County employees have participated in this online training module. The County Board of Ethics will be working with the County I.T. Department to develop the most effective means of disseminating this program for all employees. A focus group will be developed with special interest on accessibility for employees who work night, weekend shifts, and those retiring from the County.

Additionally, all Suffolk County Board of Ethics employees fulfilled the County mandate of “KnowBe4” cyber safety.

XVIII. 2020 INITIATIVES

- 1) To exceed the statutory requirement of two training seminar inclusive of specialized departmental trainings;
- 2) To develop a focus group for night time shift employees, exit interviews, and a training series with additional course selections;
- 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, pre-emptively and upon request, relating to the Suffolk County Ethics Laws;
- 8) To expand public outreach;
- 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 L. Segal, Esq.
Executive Director

Respectfully Submitted

1. *SCBE Code Review*

Website availability of filed County Financial Disclosure Forms of County Elected Officials and Candidates.

2019, IR 1940. The Board supports the re-introduction of this I.R. in 2020 to require all County Elected Officials and County Candidates for Office to have their required filed financial disclosure form posted on the County Board of Ethics website...

2. **. § 77-16. PENALTIES FOR OFFENSES**

- A. Any person required to file a financial disclosure statement with the Board pursuant to this article or any provision of County law who has not so filed at the end of one week after the required filing date shall be subject to a fine of not to exceed \$1,000 [less than \$250 or more than \$1,000]. In determining the amount of the fine, the Board shall consider factors, including, but not limited to, the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. The Board may waive a fine entirely if a person establishes that the failure to file a report in a timely manner was due to illness, injury or other hardship.

[Amended 11-18-2014 by L.L. No. 1-2015]

3. **Financial Disclosure Filer Categories**

ARTICLE II. FINANCIAL DISCLOSURE

§ 77-10. PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENT.

Notwithstanding any other provision of law to the contrary, the following public servants and persons shall file with the Board the approved disclosure statement by May 15 of each year, unless a different date is provided below, answering each and every question contained in the statement:

- A. Elected officials and chairpersons of County political party committees.
- B. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has declared his or her intention to seek nomination or election and who has filed a petition for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement on or before the last day for filing his or her designating petitions.
- C. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has been designated to fill a vacancy in a designation or nomination for the Office of County Executive, District Attorney, Comptroller,

Clerk, Treasurer, Sheriff or County Legislature, shall file such statement within 15 days after a certificate designating such person to fill such vacancy is filed with the Board of Elections.

- D. Each department head, chief deputy department head and deputy department head.
- E. Each employee of the County Executive's Office, County Legislature, and Police Department whose responsibilities include the independent exercise of managerial decision making, superior officer decision making, policy making functions, as annually determined by the appointing authority, subject to review by the Board.
- F. Each County employee, other than an employee of the County Executive's Office and the County Legislature, who holds a policymaking position as annually determined by the head of his or her agency, subject to review by the Board.
- G Each County Employee holding the following title or job duty: Agency Counsel, Contract Specialist, Chief of Staff, Bureau Chief, Division Head, Chief of Detectives, Chief of Support Services, Chief of Patrol, Chief of Department, Precinct Inspector; Director of Internal Affairs, Police Commissioner, Deputy Police Commissioner; Chief Assistant District Attorney; Evidence Recovery Tow Operator; Court Records Supervisor; Deferred Compensation Plan Administrator; Director of Department Policy and Procedure Unit; Director of Real Property Tax Service; Election Administrator; Payroll Compliance Examiner; Principal Purchasing Agent; Senior Appraisal Reviewer; and Senior Worker's Compensation Claims Examiner; Chief of Classification, Chief of Examinations, Chief Personnel Analyst(Class), Director of Public Health, Director of Environmental Quality.
- H. Each County employee whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of leases, franchises, revocable consents, concessions, real estate licenses and contracts, including those involving the sale, rental, or lease of real property.
- I Each County employee whose duties at any time during the preceding calendar year involved being a member of an RFP/RFQ/Competitive Bidding Committee and members of the County RFP Waiver Committee.
- J. Any other County employee title as determined by Resolution passed by the Suffolk County Legislature as of February 1 of each calendar year for the prior reporting year
- K. Members appointed to the Suffolk County Planning Commission, the Board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority, and the Board of Trustees of the Department of Parks, Recreation and Conservation, and any other Board as determined by Resolution passed by the Suffolk County Legislature as of February 1 of each calendar year for the prior reporting year

EXHIBIT A

SUFFOLK COUNTY



DEPARTMENT OF INFORMATION TECHNOLOGY

FDS WEB APPLICATION

2019 COUNTY ETHICS PROGRAMMING REQUESTS AND NEW
APPLICATIONS

Version [1.0]

Revision History

Date	Version	Description	Author
1/27/2020	1.0		Will Thurman
1/28/2020	1.1	Revised Application Users	Will Thurman

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1 APPLICATION PURPOSE

The FDS web application is a paperless solution for storing data from the Financial Disclosure forms used by the Suffolk County Board of Ethics. Leveraging the standard technology stack used by the Department of Information Technology, the web application features a simple user interface for data entry and an easy to use reporting module for data summary and analytics.

2 APPLICATION OVERVIEW

Utilizing single sign on authentication, authorized users can navigate to the web app at the following intranet address: <http://ethicsfindisclosure/>

Here, users can create the following entities; yearly FDS form templates, FDS filers, and dynamic FDS e forms.

To begin, users can select 'New Filer' to create a filer. A filer is a person or entity that submits an FDS form. A filer has basic contact information including a first and last name and mailing address. Since many filers are repeats from a previous year, the filer is saved in the system to reuse for additional years and forms.

Next, users can create a dynamic FDS form for an existing filer, but first there must be a valid form template for the given year. Since FDS forms may change from year to year, an administrative user can create, or update an existing form template for any year. The form year templates are configured by selecting yes or no for each available question to include as required in the FDS form for that year. Administrative users will have an access level of 49 or 99 in the users table. Non-administrative users will have an access level of 0. Admin users will have additional controls, such as overriding contact name conflicts and access to enter certain criteria in the FDS forms. Admin users will also have access to add or update users within the administration menu.

Once a template for the year exists, we can create a new dynamic FDS form by selecting a filer and a year template. The FDS form is dynamic for several reasons. First, depending on the year template, the audit questions will change. Secondly, answering yes to certain questions will bring up additional dialogue and subsequent questions; sometimes requiring selecting a date from a calendar widget, for example "Extension Application Filed?". Answering yes to this will bring up additional questions. Other parts of the form, such as designation or addendum filed can be a many to one relationship where one FDS form can have many designations or many addenda. The form allows users to add and delete as many of these data types as required.

After some data is accumulated, there are twenty eight built in reports users can run for any given start year and end year. Some of the key features included in each report are as follows. Column customization, where users can remove or add columns to a report. Sorting, based on any column in a report. Searchability, to search for a key word or name in the report. And the ability to print a report or export to an excel spreadsheet.

3 APPLICATION FUNCTIONS

The main functionality of the FDS application are:

- Store all data from FDS forms
- Single sign on authentication with existing Active Directory
- Add / update users and their access levels
- Create new filers or update existing filers
- Create or update FDS form templates for any year
- Make FDS forms dynamic, responsive to user input
- Ability to add multiple designations, addenda or other objects to one FDS form
- Reporting module, including 28 built in reports that can be run for any given start year and end year
- Reporting features: column sorting, column customization and searchability
- Ability to print or export reports to excel

4 APPLICATION USERS

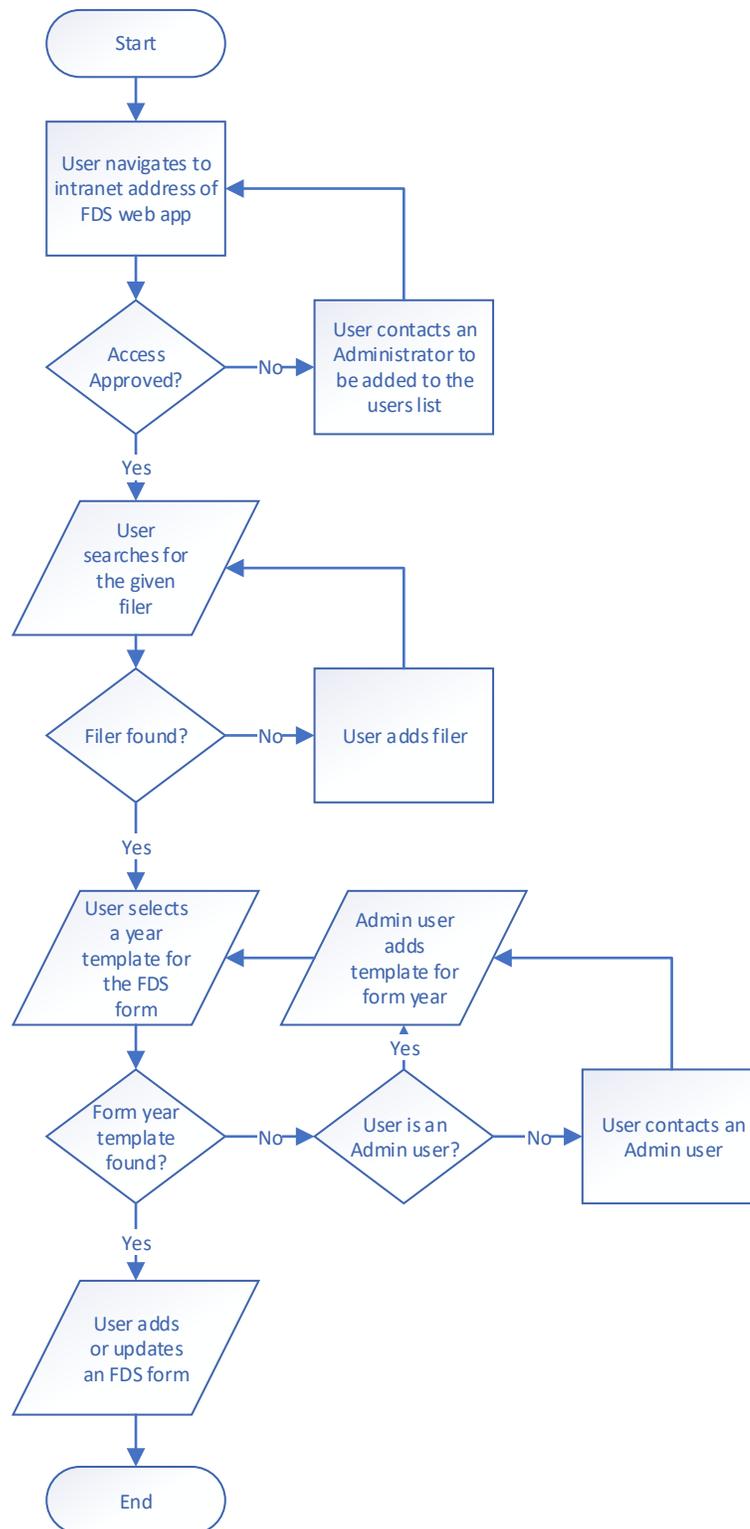
Intended users of this clerking application are employees and members of the Suffolk County Board of Ethics. Database technology maintenance and instructional training for users and new users is provided by the Department of Information Technology. All County employees who are authorized users of this clerking program have completed the County required KnowBe4 computer trainings. All users must be added with a valid first name, last name and email address as defined in the County's Active Directory of users. Adding or updating a user is done through the Admin panel which will only be available to those users with a certain access level. Access levels can be updated any time and are used to limit the ability of users to make certain changes to the system.

5 APPLICATION DEVELOPMENT TIMELINE

Initial development of the FDS web application began in mid 2018 after discussion between employees of the Suffolk County Board of Ethics and Department of Information Technology. Substantial development of the application began in August 2018 and continued through February 2019 with conference between both BOE and DoIT. Production deployment of the application and user acceptance testing occurred between February and April 2019.

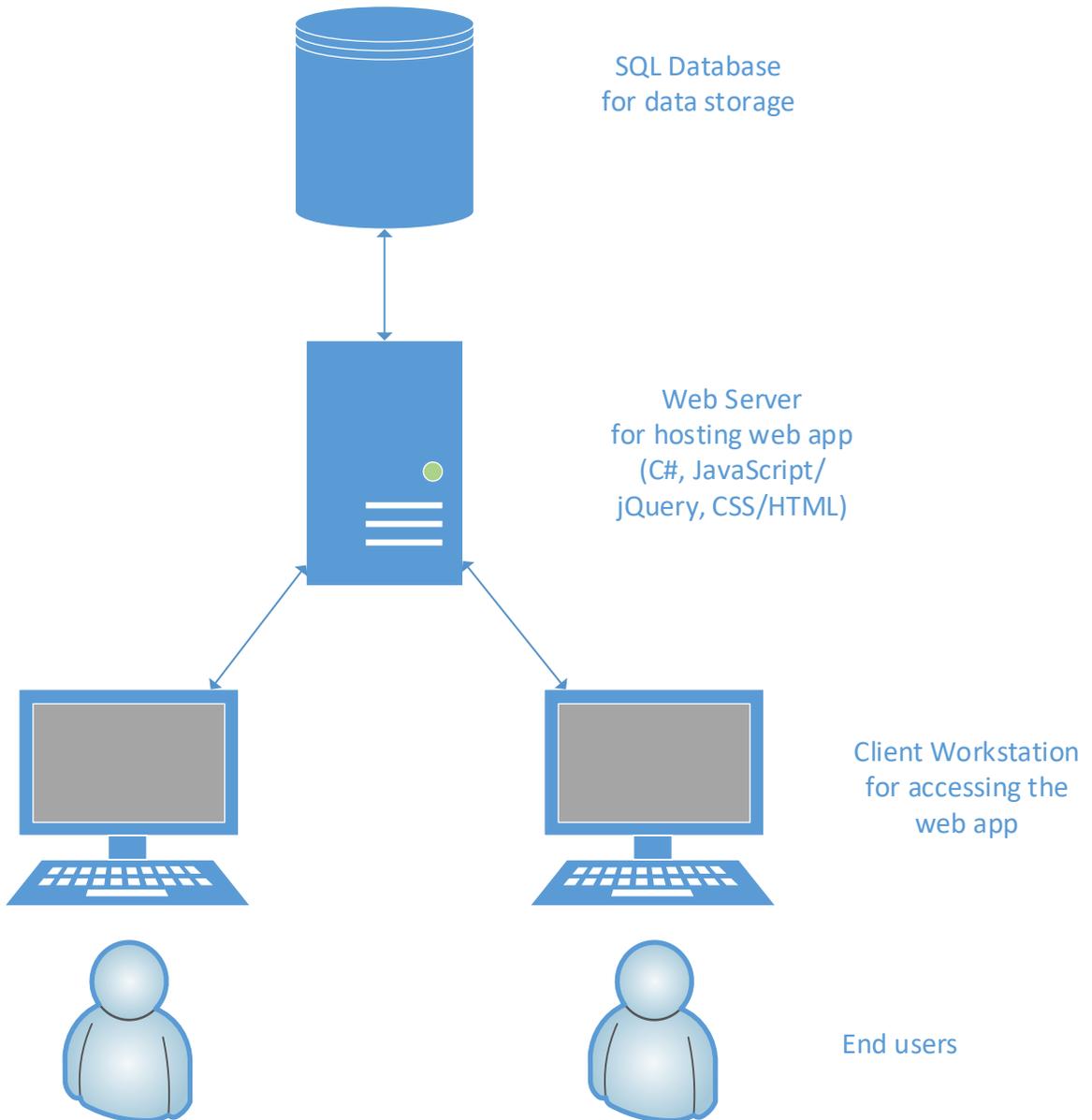
6 APPLICATION FLOW DIAGRAM

A high level diagram of the application process for end users.



7 BUSINESS CONTEXT DIAGRAM

A high level business context diagram depicting the users, systems and functions.



INTRANET PORTAL

The Internal Intranet portal was created with the intention to create a page where employees can easily find Ethics information, training and reference materials that could be downloaded used and placed throughout the work place in each department.

On the Suffolk County Intranet, under the tab *Employee Resources* a **Board of Ethics Educational Materials** page was created to aid in the practice and promotion of Ethics in the workplace for all Suffolk County workers and staff.

The Educational Materials page is a series of quick download links pertaining to Quick Reference materials, BOE Advisory Opinions, Forms, pamphlets, supplement training inserts, online training, booklets, newsletters and posters.

The page was created in the County content management system (CMS) DotNetNuke (DNN). The DNN system creates pages out of specific 'skins' (page layouts) that applies HTML (code) and Bootstrap (css) to combine documents, images and links that pull from our in-house servers.

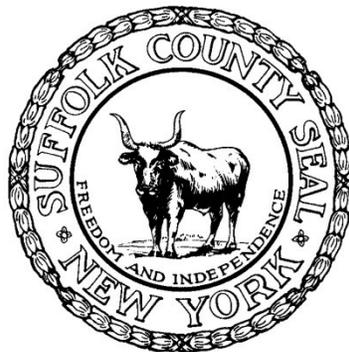
The Suffolk County Government Board of Ethics Materials page on the Suffolk County Government home page was also created / updated along with the creation of the intranet page.

EXHIBIT B

Code of Ethics Booklet

ETHICS AND ACCOUNTABILITY

COUNTY OF SUFFOLK



Revised May 2017

Version 1.4

CHANGES OF LAW POST REVISION DATE AVAILABLE ONLINE

SUFFOLK COUNTY BOARD OF ETHICS

“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.”

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SUFFOLK COUNTY ADMINISTRATIVE CODE

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SUFFOLK COUNTY CODE

CHAPTER 77. ETHICS AND ACCOUNTABILITY

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§ 77-18. Time sheets.

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Appendix A *EXAMPLE* Ethics Violation Complaint Form

Appendix B *EXAMPLE* Advisory Opinion Request Form

Appendix C *EXAMPLE* Recusal Form

NOTICE: Forms can be downloaded from the Suffolk County Board of Ethics webpage or requested from the Office of the Board of Ethics. Please see back cover for more information.

Appendix D Certification Statement

SUFFOLK COUNTY CHARTER

ARTICLE XXX. BOARD OF ETHICS

§ C30-1. BOARD OF ETHICS ESTABLISHED.

There is hereby established a Board of Ethics.

§ C30-2. MEMBERSHIP OF THE BOARD.

- A. The Board of Ethics shall consist of five members. Two members will be appointed by the County Executive. The Presiding Officer, Majority Leader and Minority Leader of the Suffolk County Legislature will each appoint one member. The appointment of all members will be subject to approval by the County Legislature. The Board shall elect one of its members to serve as Chairperson.
- B. No more than three members of the Board shall belong to the same political party. No person, while serving as a member of the Board, shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office, appear as a lobbyist before the County or make a contribution to any County elected official or candidate for County office.
- C. The two members appointed to the Board by the County Executive shall be appointed to initial terms of two years; the members appointed by the Majority Leader and the Minority Leader shall be appointed for initial terms of three years; the member appointed by the Presiding Officer shall be appointed for an initial term of four years. Thereafter, all members will be appointed for terms of four years.
- D. Any vacancy occurring on the Board other than by expiration of a term shall be filled by nomination of a successor by the appropriate appointing authority within 60 days of the creation of the vacancy. The County Legislature shall act on such nomination within 60 days of an appointment resolution being laid on the table for consideration.
- E. Three members of the Board shall constitute a quorum and the Board shall have the power to act by a majority vote of the entire membership of the Board except as otherwise provided by this article.
- F. Members shall receive compensation of \$200 for each Board meeting they attend; such compensation shall not exceed \$4800 per year. The Board shall meet at least once per month.

[Amended 11-18-2014 by L.L. No. 1-2015]

- G. Members may be removed by their appointing authority for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the requirements of Subsection B of this section, after written notice and opportunity to reply. The removal of members appointed by the Presiding Officer, Majority Leader and Minority Leader must be ratified by the adoption of a procedural motion by the County Legislature.

§ C30-3. POWER AND RESPONSIBILITIES.

- A. The Board shall have 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 conflict of interest issues;
 - (3) Make financial disclosure statement forms available to persons required to file pursuant to Chapter 77, Part 1, Article II, 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.
- B. The Board shall promulgate rules as are necessary to implement the provisions of Chapter 77, Part 1, of the Suffolk County Code and to govern its procedures. Such rules shall be made publicly available and posted on the County's website.

§ C30-4. STAFFING; FACILITIES.

- A. The Board, by a majority vote of the Board's entire membership, shall appoint an executive director, a secretary, independent counsel and such other staff as may be necessary to exercise its powers and fulfill its obligations. The power to appoint and retain an executive director, a secretary, independent counsel and other staff shall be subject only to available appropriations provided therefor in the County operating budget, and the actual appointment and filling of such positions shall not be subject to approval by the County Executive or the Budget Office. The Board shall be deemed the appointing authority for all such personnel. The executive director, a secretary, independent counsel and support staff shall not be part of the Suffolk County Department of Law and shall not be supervised by the Department of Law; however, the Freedom of Information Law ("FOIL") appeals officer in the Department of Law shall serve as the FOIL appeals officer for the Board of Ethics. The Board, its staff and funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County operating budget.
- [Amended 8-21-2012 by L.L. No. 45-2012]; [Amended 4-25-2017 by L.L. No. 10-2017]**

- B. The Board may delegate authority to the executive director and independent counsel and such delegation shall be defined in writing, provided that the executive director and independent counsel shall not be authorized to issue written advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violation or make final recommendations of, or impose, penalties.
- C. The Board's office(s) shall not be sited in a building occupied by either the County Executive or the County Legislature.

§ C30-5. TRANSITION PROVISIONS.

[Added 8-21-2012 by L.L. No. 45-2012]

- A. Any reference to the Suffolk County Ethics Commission, its members, chairman or executive director in any other resolution, local law, charter law, ordinance, rule, or regulation of the County of Suffolk or in any state or federal law, rule, or regulation shall be construed in the first instance as reference to the Board of Ethics, its members, chairperson or executive director, anything in any other law, rule or regulation to the contrary notwithstanding.
- B. For calendar year 2012 only, the Board, by a supermajority vote of its total membership, may extend the deadline referenced in any local law, charter law, resolution, rule or regulation applicable to the Board to a date deemed appropriate by the Board; provided, however, that the deadline for filing financial disclosure statements may not be extended beyond December 31, 2012 and no other 2012 deadline may be extended beyond June 30, 2013.
- C. All property and equipment heretofore associated with, and utilized by, the Ethics Commission but inventoried to the Law Department, and all other property, equipment and records and confidential files associated with, and utilized by, the Ethics Commission wherever situated, shall be transferred and delivered to the Board of Ethics. For purposes of this subdivision, records and confidential files shall be construed broadly to include, but not be limited to, financial disclosure forms, opinions, requests for opinions, budgets, procurement documents, contracts, vouchers, requisitions, records of accounts, if any, and correspondence, notes and documents in any form whatsoever created or used in the ordinary course of business of the Ethics Commission.

SUFFOLK COUNTY ADMINISTRATIVE CODE

Article XXX. BOARD OF ETHICS

[Added 10-11-2011 by L.L. No. 56-2011 *Editor's Note: This local law also repealed former Art. XXX, Code of Ethics, as amended.*]

§ A30-1. DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

COUNTY EMPLOYEE All elected officials and public servants who are employed by the County and compensated for their services. This term shall not include members of the County's occupational licensing boards.

ELECTED OFFICIAL A person holding office as County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff or member of the County Legislature.

PUBLIC SERVANT All officials, officers and employees of the County, whether paid or unpaid.

§ A30-2. TRAINING AND EDUCATION.

- A. The Board of Ethics shall have the responsibility of informing public servants and assisting their understanding of the conflicts of interest requirements set forth in Chapter 77, Part 1, Article I, of the Suffolk County Code. In fulfilling this responsibility, the Board shall develop a plain-language guide to conflict of interest rules and conduct at least two ethics training seminars in each even-numbered year and one training seminar in each odd-numbered year. The Board is authorized to update the ethics training program and ethics booklet as appropriate and necessary.
- B. All elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office.
- C. All County employees appointed by elected officials, including department heads and division heads, shall receive mandatory ethics training at the first available training seminar conducted after the effective date of their appointment.
- D. 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.

- E. Public servants who are not County employees shall receive the ethics booklet from their appointing authority within 30 days after they are qualified to serve the County 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 the time of their service with the County. Such statement shall be maintained by the public servant's appointing or supervising authority.
- F. The failure of a public servant to receive the training, to receive the ethics guide, or to sign the statement required by this section shall have no effect on the duty of the public servant to comply with the requirements of Chapter 77, Part 1, of the Suffolk County Code.
- G. The Board may utilize interactive on-line, web-based technologies to satisfy the ethics training requirements set forth herein and to publish and distribute the ethics booklet and training materials.
[Added 8-21-2012 by L.L. No. 45-2012]

§ A30-3. ADVISORY OPINIONS.

- A. The Board will render advisory opinions with respect to all matters covered by Chapter 77, Part 1, Article I, of the Suffolk County Code or any other applicable provision of law governing conflicts of interest, on the request of a public servant or a supervisory official of a public servant. The request shall be in such form as the Board may require and shall be signed by the person making the request. The Board may ask a person who is seeking an advisory opinion to appear before the Board to provide further information pertinent to the requested opinion. The opinion of the Board will be based on such facts as are presented in the request or subsequently submitted in a written, signed document or which are adduced when the person requesting the opinion appears before the Board.
- B. Advisory opinions shall be issued only with respect to proposed future conduct or action by a public servant. A public servant whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the public servant that it is reconsidering its opinion.

- C. The Board will issue a requested advisory opinion within 45 days after it has completed fact finding. If the Board is unable to issue the advisory opinion within 45 days, it shall so advise the person who requested the opinion before the forty-five-day period has expired. In no event shall the Board issue an advisory opinion more than 90 days after it has completed its fact finding.
- D. Requests for advisory opinions shall be confidential, but the Commission shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party. The advisory opinions shall be indexed by subject matter and cross-indexed by County Code section, and such index shall be maintained on an annual and cumulative basis.
- E. For the purpose of this section only the term public servant includes a prospective or former public servant and a supervisory official includes a supervisory official who will supervise a prospective public servant or a supervisory official who supervised a former public servant.
[Added 6-4-2013 by L.L. No. 28-2013]

§ 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.

§ A30-5. COMPLAINTS; REFERRALS.

- A. Whenever a written complaint is received by the Board alleging a violation 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, it shall:

 - (1) Dismiss the complaint if it determines that there is no reasonable cause to believe that a public servant has committed a violation; or
 - (2) Make an initial determination that there is reasonable cause to believe that a public servant has violated a provision of Chapter 77, Part 1, or other applicable provision of law; or
 - (3) Refer an alleged violation to the head of the agency served by the public servant if related disciplinary charges are pending against the public servant.

- B. A public servant or supervisory official of such public servant may request the Board to review and make a determination regarding a past or ongoing action of such public servant. Such request shall be reviewed and acted upon by the Board in the same manner as a complaint received by the Board under Subsection A of this section.
- C. The Board, on its own motion, may review a past or ongoing action of a public servant, in the same manner as a complaint received by the Board under Subsection A of this section.
- D. The Board's staff may answer inquiries regarding the procedure involved in making a complaint alleging an ethical violation; however, the executive director, independent counsel and support staff shall not assist any person or entity, other than the Board and its members, in the preparation of a complaint against a public servant alleging a violation of the County's Code of Ethics or other applicable provision of law governing conflicts of interest. In the event the Board receives a complaint of misconduct in a form or format that is not acceptable to the Board, the Board's staff shall notify the complainant of the defect and advise the complainant of the proper form and procedures for lodging a complaint.
[Added 8-21-2012 by L.L. No. 49-2012]; [Amended 4-25-2017 by L.L. No. 10-2017]
- E. It shall be unlawful for any person to make a complaint or threaten to make a complaint to the Board against a public servant, or to offer to withdraw a complaint against a public servant, in order to improperly influence that public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant. Such conduct will constitute a violation punishable by a fine of not more than \$1,500, or imprisonment of not more than 15 days, or both.
[Added 8-21-2012 by L.L. No. 49-2012]

§ A30-6. HEARINGS.

- A. If the Board makes an initial determination, based on a complaint, review of a financial disclosure statement or other information available to the Board, that there is reasonable cause to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article I, of the Suffolk County Code or other applicable provision of law, the Board shall notify the public servant of its determination in writing. The notice shall contain a statement of the facts upon which the Board relied for its determination of reasonable cause and a statement of the provisions of the law allegedly violated. The Board shall also inform the public servant of the Board's procedural rules. The public servant shall have a reasonable time to respond and shall have the right to be represented by counsel or any other person.

- B. If, after receiving the public servant's response, the Board determines that there is no reasonable cause to believe that a violation has occurred, the Board shall dismiss the matter and inform the public servant of its decision in writing. If, after considering the public servant's response, the Board determines there remains reasonable cause to believe that a violation has occurred, the Board shall direct a hearing to be held or hold a hearing on the record to determine whether a violation has occurred, or shall refer the matter to the appropriate agency if the public servant is subject to the jurisdiction of any state law or collective bargaining agreement which provides for the conduct of disciplinary proceedings.
- C. If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has committed a violation, it shall issue a decision and order setting forth its conclusions and imposing such penalties as it deems appropriate and, when appropriate, may refer the matter to the District Attorney or other appropriate law enforcement agency. If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has not violated provisions of Chapter 77, Part 1, it shall issue a decision setting forth its conclusion.
- D. The Board shall issue its decisions within 45 days after the completion of a hearing. If the Board is unable to issue its decision within this forty-five-day period, it shall so advise the public servant prior to the expiration of the forty-five-day period. In no event, shall the Board issue its decision more than 90 days after the completion of a hearing.
- E. Hearings of the Board shall not be public unless requested by the public servant. The order and the Board's findings and conclusions shall be made public.
- F. Nothing contained in this section shall prohibit the appointing officer of a public servant from terminating or otherwise disciplining such public servant, where such appointing officer is authorized to do so; provided, however, that such action shall not preclude the Board from exercising its powers and duties under this article with respect to the actions of any such public servant.

§ A30-7. INVESTIGATIONS.

The Board may conduct any investigation necessary to carry out the provisions of this article and Chapter 77, Part 1, of the Suffolk County Code. Pursuant to this power, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material to the investigation. Such subpoenas may only be issued by a supermajority vote of the entire membership of the Board.

§ A30-8. CONFIDENTIALITY.

[Amended 8-21-2012 by L.L. No. 49-2012]

- A. Except as otherwise provided by this article, testimony received or any other information obtained by a member of the Board or the staff of the Board in connection with the preparation of an advisory opinion or the investigation of a complaint or referral, or the conduct of a hearing related to a complaint or referral, is confidential and shall not be disclosed by any such individual to any person or entity outside the Board. In no event shall financial disclosure statements filed with the Board pursuant to Chapter 77, Article II, of the Suffolk County Code be deemed confidential. However, the Board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics. Such a request for records must be approved by a 2/3 vote of the Legislature via a procedural motion.

[Amended 4-25-2017 by L.L. No. 10-2017]

- B. Any unauthorized disclosure of confidential information by a member of the Board, or the executive director, independent counsel or staff of the Board, shall be a violation punishable by a fine of not more than \$1,500, or imprisonment of not more than 15 days, or both.

§ A30-9. DISCLOSURE OF POTENTIAL CONFLICT.

[Added 8-21-2012 by L.L. No. 49-2012 *Editor's Note: This local law also renumbered former § A30-9 as § A30-10.***]**

A member of the Board shall disclose to the full Board any personal or business relationship he or she may have with a public servant who has requested an advisory opinion or who is the subject of a complaint pending before the Board. If the member does not recuse himself or herself from participating in that particular matter or proceeding, he or she shall file a written statement with the Board explaining why he or she is able to participate fairly, objectively and in the public's interest.

§ A30-10. ANNUAL REPORT.

The Board shall prepare and submit a report to the County Executive and the County Legislature no later than March 1 each year, summarizing the activities of the Board during the preceding calendar year.

SUFFOLK COUNTY CODE

Chapter 77. ETHICS AND ACCOUNTABILITY

PART 1. CODE OF ETHICS AND FINANCIAL DISCLOSURE

ARTICLE I. CODE OF ETHICS

§ 77-1. DEFINITIONS.

When used in this Part 1, the following terms shall have the meanings indicated:

AGENCY A department, division, bureau, board, commission, advisory committee, office or other agency of County government.

AGENCY SERVED BY A PUBLIC OFFICIAL A. In the case of a County employee, the agency employing such employee; or B. In the case of other public servants, the agency which exercises control of the public servant or the agency to whom the public servant reports.

APPEAR To make any communication, for compensation, other than those involving ministerial matters.

ASSOCIATED A person or firm associated with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial interest; and each firm in which the public servant has an interest.

BOARD The Board of Ethics.

BUSINESS DEALINGS WITH THE COUNTY Any transaction with the County involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, or any license, grant or benefit, and any performance with respect to any of the foregoing, but shall not include any transaction involving the public servant's residence or any ministerial matter.

COUNTY The County of Suffolk or any agency of the County of Suffolk.

COUNTY EMPLOYEE All elected officials and public servants who are employed by the County and compensated for their services, but shall not include members of occupational licensing boards.

ELECTED OFFICIAL A person holding office as County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff or member of the County Legislature.

FIRM A sole proprietorship, joint venture, partnership, corporation or any other form of business enterprise.

INTEREST A financial interest in a firm or a position with a firm held by a public servant, the public servant's spouse, domestic partner or unemancipated child.

LOBBYIST A person or firm registered as a lobbyist with the County of Suffolk pursuant to Chapter 580 of the Suffolk County Code or any successor statute thereto.

MEMBER A member of the Board of Ethics.

MINISTERIAL MATTER An administrative act, including the issuance of a license, permit or other permission of the County, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

OWNERSHIP INTEREST An interest in a firm held by a public servant, or the public servant's spouse, domestic partner or unemancipated child, which exceeds 5% of the firm or an investment of \$25,000 in cash or other form of commitment, whichever is less, and any lesser interest in a firm when the public servant, or the public servant's spouse, domestic partner or unemancipated child, is an officer of the firm or exercises managerial control or responsibility regarding such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the public servant, the public servant's spouse, domestic partner or unemancipated child.

PARTICULAR MATTER Any case, proceeding, application, request for a ruling or benefit, determination, contract, investigation, charge, accusation, arrest or similar action which involves a specific party or parties.

POLITICAL PARTY OFFICER A chairperson of any County political party committee elected pursuant to § 2-112 of New York Election Law or the chairperson of any duly constituted Town political party committee.

POSITION A position in a firm, such as an officer, director, trustee or employee, or any management position, or as an attorney, agent, broker or consultant to the firm, which does not constitute an ownership interest in the firm.

PUBLIC SERVANT All officials, officers and employees of the County, whether paid or unpaid.

SPOUSE A husband or wife of a public servant who is not legally separated from such public servant.

SUPERVISOR Any person having the authority to control or direct the work of a public servant.

UNEMANCIPATED CHILD Any son, daughter, stepson or stepdaughter who is under the age of 18, unmarried and living in the household of the public servant.

§ 77-2. PROHIBITED INTERESTS IN FIRMS DOING BUSINESS WITH THE COUNTY.

- A. No public servant shall have an ownership interest in a firm which such public servant knows is engaged in business dealings with the department or agency served by such public servant.
- B. No County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County.
- C. An individual who, prior to becoming a public servant, has an ownership interest which would be prohibited under this section, shall either:
- (1) Divest of the ownership interest; or
 - (2) Terminate the business dealing with the County; or
 - (3) Disclose to the Board such ownership interest and comply with its order.
- D. A public servant who has an ownership interest and did not know of a business dealing which would cause the interest to be prohibited, but has subsequently gained knowledge of such business dealing; or a public servant who holds an ownership interest which, subsequent to the public servant's acquisition of the interest, enters into a business dealing which would cause the ownership interest to be prohibited; or a public servant, who, by operation of law, obtains an ownership interest which would be prohibited shall disclose to the Board such ownership interest. Further, the public servant will, within 15 days of knowing of the business dealing, either:
- (1) Divest of the ownership interest; or
 - (2) Terminate the business dealing with the County; or
 - (3) Ask the Board to determine whether such ownership interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties.
- E. When an individual discloses an ownership interest to the Board pursuant to Subsection C of this section, or a public servant requests that the Board make a determination regarding an ownership interest pursuant to Subsection D, the Board shall issue an order setting forth its determination as to whether or not

such interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties. In making such determination, the Board shall take into account the nature of the public servant's duties, the manner in which the interest may be affected by any action of the County, the appearance of conflict and such other factors as the Board deems appropriate. If the Board determines a conflict exists, the Board's order shall require divestiture or such other action as it deems appropriate which may mitigate such conflict.

§ 77-3. PROHIBITED CONDUCT.

- A. A public servant who has an interest in a firm which is not prohibited by § 77-2 shall not take any action as a public servant particularly affecting that interest.
- B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.
- C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.
- D. No public servant shall disclose any confidential information concerning the property, affairs or government of the County which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use such information to advance any financial or private interest of the public servant or of any person associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
- E. No public servant shall solicit or accept any gift having a value of \$75 or more from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.
- F. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action.

- G. No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist.
- H. No public servant shall, for compensation, represent private interests before any County agency or appear directly or indirectly on behalf of private interests in matters involving the County. For a public servant who is not a County employee, this prohibition shall apply only to the agency served by the public servant.
- I. No public servant shall appear as attorney or counsel against the interests of the County in any litigation in which the County is a party, or in any action or proceeding in which the County, or any public servant of the County, acting in the course of official duties, is a complainant, provided that this subsection shall not apply to an elected official representing himself or herself, or to a public servant employed by an elected official who appears as attorney or counsel for that elected official, in any litigation, action or proceeding in which the elected official has standing and authority to participate by virtue of his or her capacity as an elected official. This subsection shall not apply to an elected official who represents himself or herself in an election law matter or to a public servant who represents a defendant in a criminal proceeding. For a public servant who is not a County employee, this prohibition shall apply only to the agency served by the public servant.
- J. No public servant shall coerce or attempt to coerce, by intimidation, threats or otherwise, another public servant to engage in political activities or participate in a political campaign. Participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes, circulating nominating petitions or canvassing voters for a particular candidate or performing similar acts which are unrelated to the public servant's duties or responsibilities.
- K. No public servant shall compel, induce or request any person to make a monetary or in-kind contribution to any candidate for elected office, committee or political party under threat of prejudice to, or promise of, advantage in rank, compensation or other job-related status.
- L. No public servant shall attempt to influence the course of any proposed legislation in the County Legislature that will affect an interest of the public servant or the interest of a person or firm associated with the public servant without publicly disclosing to the Legislature the nature and extent of the private interest.

- M. No public servant shall give or promise to give any portion of his or her compensation or any money or valuable thing to any person in consideration of having been nominated, appointed, elected or employed as a public servant.
- N. No public servant shall make personal use of County letterhead, personnel, equipment, supplies or resources.

§ 77-4. PROHIBITION ON DUAL OFFICE-HOLDING; OTHER PROVISIONS RELATING TO POLITICAL PARTY OFFICIALS.

- A. No political party officer shall be eligible to serve as an elected official, department commissioner, assistant district attorney or member of any board, commission, authority, or public benefit corporation whose members are appointed by the County Executive or County Legislature.
- B. No elected official shall hold another paid position of employment with the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law. This provision shall not apply to an elected official who also holds a position as a teacher in a public school district or a professor at a public university or college.
- C. A political party officer may represent private interests before a County agency but he or she shall first disclose to the Board the nature and scope of the services to be provided.
- D. No political party officer or firm in which he or she holds an ownership interest shall have business dealings with the County, except that a political party officer or his or her firm may receive a contract from the County as a result of a competitive bidding process conducted in accordance with Article 5-A of the New York General Municipal Law.

§ 77-5. EXEMPTIONS.

This article shall not prohibit:

- A. An elected official from appearing without compensation before any County agency on behalf of constituents in the performance of his or her public duties and responsibilities.

- B. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs.
- C. An elected official from proposing or voting on a measure that will provide a benefit to the elected official, if the benefit will be available to County residents generally or to a substantial class of residents to which the public servant belongs.
- D. A public servant or public servant's spouse from acting as an attorney, agent, broker, officer, director or consultant for any not-for-profit corporation or other entity which operates on a not-for-profit basis, which has business dealings with the County, provided that such public servant takes no direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities.
- E. A contract between the County and a public servant for instructing approved emergency medical services training service programs.
- F. A contract between the County and a public servant for the purpose of providing a foster home for a child under the care of the Suffolk County Department of Social Services, unless the public servant's official responsibilities include approving, authorizing or auditing foster care payments.
- G. An elected official from accepting an invitation to, and attending and participating in, an event sponsored by a community group or organization.

§ 77-6. POST-EMPLOYMENT RESTRICTIONS.

- A. No public servant shall solicit, negotiate for, or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. This prohibition shall not apply to positions in the federal, state or any local government.
- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of any government entity, including the County of Suffolk, as an elected representative, employee or consultant, provided that, in the case of a former public servant serving as a consultant, such former public servant contracts to provide such consultant services directly with the County. **[Amended 12-20-2016 by L.L. No. 1-2017]**

- C. No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant, provided that, such prohibition shall not apply to a former public servant serving as a consultant to the County, where such former public servant contracts to provide such consultant services directly with the County.
[Amended 12-20-2016 by L.L. No. 1-2017]
- D. No elected official shall appear before any agency in the branch of County government served by such elected official within a period of two years after such official's separation from County service. For the purposes of this section, the executive branch consists of all agencies of the County, except the County Legislature. This prohibition shall not apply to a former elected official who appears before a County agency on behalf of another governmental entity as an elected representative or employee.
- E. No public servant shall, after leaving County service, disclose or use for private advantage any confidential information gained from County service which is not otherwise available to the public; however, this shall not prohibit any former public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal conduct or conflict of interest.
- F. No elected official may resign prior to the completion of his or her term of office and be employed by the County in any other position for a period of two years after his or her resignation.
- G. No elected official may resign prior to the completion of his or her term of office and be employed with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after his or her resignation.
- H. No elected official whose term of office has expired may accept employment with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after the expiration of his or her term.
- I. Nothing contained in this section shall prohibit a former public servant from being associated with or having a position in a firm which appears before a County agency or from acting in a ministerial matter regarding business dealings with the County.

§ 77-7. RECUSAL AND DISCLOSURE.

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
 - (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter.

§ 77-8. DISCLOSURE INVOLVING COUNTY CONTRACTS.

- A. Where a public servant has, or acquires, an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement with the County, the public servant shall disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board as soon as he or she has knowledge of the actual or prospective interest.
- B. For the purposes of this section, "interest" means a direct or indirect pecuniary or material benefit accruing to the public servant as a result of a contract with the County. A public servant shall be deemed to have an interest in the contract of:
 - (1) His or her spouse, except as to his or her spouse's employment agreement with the County;
 - (2) A firm, partnership, or association of which the public servant is a member or employee; and
 - (3) A corporation of which the public servant is an officer, director or employee.

§ 77-9. PENALTIES FOR OFFENSES.

- A. Upon a determination by the Board that a violation of § 77-1 or § 77-2 involving a contract, sale or other transaction has occurred, the County may elect to void the contract, sale or transaction in question.

- B. Upon a determination by the Board that a violation of § 77-2, 77-3, 77-7 or 77-8 of this article has occurred, the Board shall have the authority to impose fines up to \$10,000 and to recommend to the hiring authority suspension or removal of the public servant from office or employment.
- C. Any person who knowingly violates § 77-2, 77-3, 77-4, 77-6, 77-7 or 77-8 of this article shall be guilty of a misdemeanor and subject to a term of imprisonment not in excess of one year and/or a fine of \$1,000.

ARTICLE II. FINANCIAL DISCLOSURE

§ 77-10. PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENT.

Notwithstanding any other provision of law to the contrary, the following public servants and persons shall file with the Board the approved disclosure statement by May 15 of each year, unless a different date is provided below, answering each and every question contained in the statement:

- A. Elected officials and chairpersons of County political party committees.
- B. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has declared his or her intention to seek nomination or election and who has filed a petition for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement on or before the last day for filing his or her designating petitions.
- C. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has been designated to fill a vacancy in a designation or nomination for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement within 15 days after a certificate designating such person to fill such vacancy is filed with the Board of Elections.
- D. Each department head, chief deputy department head and deputy department head.
- E. Each employee of the County Executive's Office and the County Legislature whose responsibilities include the independent exercise of managerial or policy making functions, as annually determined by the appointing authority, subject to review by the Board.

§ 77-10.

PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENT

- E. Each County employee, other than an employee of the County Executive's Office and the County Legislature, who holds a policymaking position as annually determined by the head of his or her agency, subject to review by the Board.
- G. Each County employee whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of leases, franchises, revocable consents, concessions, real estate licenses and contracts, including those involving the sale, rental, or lease of real property.
- H. Members appointed to the Suffolk County Planning Commission, the Board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority, and the Board of Trustees of the Department of Parks, Recreation and Conservation.

§ 77-11. PROCEDURES FOR FILING AND REVIEW OF FINANCIAL DISCLOSURE STATEMENTS.

- A. Each agency head shall determine by February 15 of each year, subject to review by the Board, which persons within the agency are required to submit a financial disclosure statement pursuant to the provisions § 77-10F and G, and shall inform such employees of their obligation to file the statement. All agency heads shall file with the Board, by March 1 each year, a list of persons within their agency obligated to file a financial disclosure statement.
- B. The County Executive and the Presiding Officer of the County Legislature shall determine by February 15 of each year, subject to review by the Board, which persons within their respective offices are required to submit a financial disclosure statement pursuant to the provisions of § 77-10E. The County Executive and the Presiding Officer shall file with the Board, by March 1 each year, a list of persons within their offices obligated to file a financial disclosure statement.
- C. The Board shall promulgate rules establishing procedures whereby a person required to file an annual financial disclosure statement may request an additional period of time within which to file such report, due to justifiable cause or undue hardship. However, in no case shall the Board's rules authorize the filing of a statement later than September 1 in any year.
- D. Any amendments and changes to a financial disclosure statement made after its filing shall be made on a separate form to be provided by the Board and attached to the statement.

§ 77-11. PROCEDURES FOR FILING AND REVIEW OF FINANCIAL DISCLOSURE STATEMENTS

- E. The Board may establish rules and procedures for the electronic filing of financial disclosure statements.

§ 77-12. CONTENT AND FORM OF STATEMENT

- A. The financial disclosure statement filed in any given year shall provide financial information for the preceding calendar year.
- B. The statement set forth in the Exhibit A, attached hereto and made a part of this Part 1, *Editor's Note: Exhibit A can be found in the Suffolk County Code on the Board of Ethics webpage*, shall be the approved financial disclosure statement for the County of Suffolk. Notwithstanding any other provision of law to the contrary, each person subject to financial disclosure requirements pursuant to § 77-10, shall file this approved financial disclosure statement, except that the members of the Suffolk County Planning Commission and the Suffolk County Parks Trustees shall complete the statement set forth in Exhibit B, which is attached hereto and made a part of this Part 1. *Editor's Note: Exhibit B can be found in the Suffolk County Code on the Board of Ethics webpage.*

§ 77-13. REVIEW OF STATMENT

The Board or its staff will review each financial disclosure statement filed with it to determine if there has been compliance with this article governing financial disclosure.

§ 77-14. PUBLIC INSPECTION OF STATEMENTS

- A. Information filed in financial disclosure statements required by this article shall be maintained by the Board, shall not be deemed confidential, and shall be made available for public inspection, upon written request on such form as the Board shall prescribe regardless of whether a Freedom of Information Law ("FOIL") request has been made for the release of said information. The Board shall respond to requests for inspection of financial disclosure statements in the order that they are received and the Board shall make the records available for inspection within ten business days of the request.

[Amended 4-25-2017 by L.L. No. 10-2017]

- B. Any person required to file a statement may, at the time the statement is filed, submit a request to the Board, in such form as the Board shall require, to withhold any item disclosed therein on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. The Board shall evaluate such request and any such item shall be withheld from public

inspection upon a finding by the Board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of any person. The Board shall provide a written notification of the Board's determination to the person who requested that information be withheld from public inspection in a timely manner, and shall not release the information subject to the request until at least 10 days after mailing such notification.

- C. Whenever the Board produces a financial disclosure statement for public inspection, the Board shall notify the person who filed the report of the production and of the identity of the person to whom such statement was produced.
- D. Categories of value shall be confidential and this information will be redacted by the Board before a financial disclosure statement is made available for public inspection.

§ 77-15. RETENTION OF RECORDS

Statements filed pursuant to this article and other records of the Board shall be retained and disposed of in accordance with the Records Retention and Disposal Schedule issued pursuant to Article 57-A of the New York Arts and Cultural Affairs Law.

§ 77-16. PENALTIES FOR OFFENSES

- A. Any person required to file a financial disclosure statement with the Board pursuant to this article or any provision of County law who has not so filed at the end of one week after the required filing date shall be subject to a fine of not less than \$250 or more than \$1,000. In determining the amount of the fine, the Board shall consider factors, including, but not limited to, the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. The Board may waive a fine entirely if a person establishes that the failure to file a report in a timely manner was due to illness, injury or other hardship.

[Amended 11-18-2014 by L.L. No. 1-2015]

- B. If any County employee subject to financial disclosure requirements fails to file a statement as required by this article, the Board shall notify the employee's supervisor and the County Comptroller of such failure. Upon such notification, the Comptroller shall withhold the pay checks of said employee.
- C. Any intentional violation of this article, including but not limited to failure to file, failure to include assets or liabilities, and misstatement of assets or

liabilities, shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed \$1,000, or both, and shall constitute misconduct and be grounds for disciplinary action, including removal from employment in the manner provided by law.

PART 2. TIME ACCOUNTING

ARTICLE III. TIME ACCOUNTING BY COMMISSIONERS, DEPARTMENT HEADS AND DEPUTIES

§ 77-17. LEGISLATIVE INTENT

- A. This Legislature hereby finds and determines that recent actions on the County's operating budget have required enormous sacrifice on the part of everyone, including County taxpayers and County employees.
- B. This Legislature also finds and determines that the fiscal difficulties currently confronting the County of Suffolk require full verifiable accounting of time by all commissioners, department heads, deputy commissioners or deputy department heads.
- C. Therefore, the purpose of this Part 2 is to require a full accounting and verification of all time sheets by commissioners, department heads, deputy commissioners and deputy department heads.

§ 77-18. TIME SHEETS

- A. Each head or commissioner, as the case may be (except an elected head of a department), of a County department or agency, each chief deputy and each deputy thereof shall file a completed time sheet on a monthly basis as a precondition of receipt of compensation for such position of employment.
- B. The time sheets to be filed under Subsection A. of this section shall contain an accurate accounting of the number of hours of actual employment of said County officials and of any accruals arising thereunder.
- C. The time sheets required by this section shall be reviewed for compliance by the County Department of Audit and Control, or any successor department thereto, except that time sheets for the chief deputy or any deputy in the Comptroller's office shall be reviewed for compliance by the County Department of Human Resources, Personnel and Civil Service.
[Amended 9-15-2011 by L.L. No. 49-2011]

§ 77-18.

TIME SHEETS

- D. Failure to comply with this section and to file such time sheets shall constitute a basis for denial of payment of County compensation to such individual who is in noncompliance.

§ 77-19. APPLICABILITY.

This Part 2 shall apply to all hours of employment occurring on or after the effective date of this Part 2.

Appendix A

FOR OFFICE USE ONLY:

COMPLAINT NUMBER: _____ DATE RECEIVED: _____

EBCF-2013
2 Page Form



SUFFOLK COUNTY BOARD OF ETHICS

Mailing: 335 Yaphank Avenue, Yaphank, New York 11980 • Office 631.854.0022 • Fax 631.854.0028

EXAMPLE Ethics Violation Complaint Form

Complainant's Information

Your Name: _____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

FOR OFFICE USE ONLY

(STAMP RECEIVED)

Alleged Violation

Who is the complaint against? : _____

What is your association or affiliation to the person (s) you are filing a complaint against? : _____

How is this person associated to Suffolk County?

“X” Box that applies (Required): COUNTY EMPLOYEE ELECTED OFFICIAL

BOARD/COMMITTEE/COMMISSION/COUNCIL MEMBER

Date and Time Alleged Violation Occurred: _____

Location and Address: _____

Please explain your complaint fully, if insufficient space is provided additional sheets may be attached, providing a detailed description of the facts and the actions of the person (s) named on page 1 of this form. Include relevant dates and the names and addresses of persons whom you believe may be witnesses.

Identify below any supporting documents, i.e. Emails, contracts, photographs, invoices, statements of witnesses, and audio/visual recordings. Attach all supporting documents to this form.

Please read statement below, sign and date.

I, _____, hereby acknowledge that making a false statement herein is
(Insert Your Name)
punishable as a misdemeanor under section 210.45 of the New York State Penal Law.

Dated: _____

Complainant's Signature: _____

Printed Name: _____

NOTICE: It shall be unlawful for any person to make a complaint or threaten to make a complaint to the Board against a public servant, or to offer to withdraw a complaint against a public servant, in order to improperly influence that public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant. Such conduct will constitute a violation punishable by a fine of not more than \$1,500, or imprisonment of not more than 15 days, or both.

Appendix D

ATTENTION EMPLOYEE: Please complete the statement below which shall be maintained in your personnel file.

Certification Statement

Pursuant to Article XXX §A30-2 (D) of the Suffolk County Administrative Code

I, _____, hereby certify that I have received a copy of Suffolk County's Code of Ethics Booklet and that I understand that I must abide by the conflict of interest rules contained therein during the time of my service with the County.

Signature: _____

Printed Name: _____

Date: _____

SUFFOLK COUNTY BOARD OF ETHICS
FORMS AND PROCEDURES
ARE AVAILABLE TO BE DOWNLOADED
FROM OUR WEBPAGE.

VISIT OUR WEBPAGE AT:

WWW.SUFFOLKCOUNTYNY.GOV

TO RECEIVE INFORMATION BY MAIL

WRITE US AT:

**335 YAPHANK AVENUE
YAPHANK, NEW YORK 11980**

OR CONTACT US

BY TELEPHONE AT:

(631) 854-0022

OFFICE LOCATION:

SUNRISE BUSINESS CENTER
3500 SUNRISE HIGHWAY
BUILDING 300, ROOM 364
GREAT RIVER, NEW YORK 11739

EXHIBIT C

OFFICE OF THE NASSAU COUNTY COMPTROLLER



**Limited Review of Hiring
Practices and Related Parties**
Nepotism – Part I
Nassau County Board of Ethics

APRIL 10, 2019

JACK SCHNIRMAN
COMPTROLLER

OFFICE OF THE NASSAU COUNTY COMPTROLLER

JACK SCHNIRMAN, COMPTROLLER

Kim G. Brandeau
*Deputy Comptroller for Administration
& Operations, Audit Division*

Jeffrey R. Schoen
Deputy Comptroller/Chief Counsel

Anthony N. Dalessio
Deputy Comptroller

Audit Staff

JoAnn Greene, MBA, CPA
Director of Field Audit

Aurora Scifo, CPA
Assistant Director of Field Audit

Janis McDermott
Field Auditor V

Renee Campanile
Field Auditor II

Christopher Goodwin
Field Auditor II



This report is also available on our website at: <https://www.nassaucountyny.gov/audits>

Findings and Recommendations

The Auditors examined thirteen different Board of Ethics **websites on July 5, 2018** and charted details on nine of the websites as seen in Exhibit III.

Exhibit III - July 2018

Type of Website Data	Counties							NYC	NYS
	Nassau	Suffolk	Erie	Orange	Westchester	Rockland	Albany	NY City	NY State
Description/Introduction	✓	✓	✓	✓		✓	✓	✓	✓
Board Members Names Posted		✓	✓	✓		✓	✓	✓	✓
Board Member Bio		✓						✓	✓
Board Meeting Dates	✓	✓	✓	✓			✓	✓	✓
Board Meeting Minutes		✓	✓	✓			✓	✓	✓
Board Meeting Agenda		✓	✓	✓			✓		✓
Code of Ethics (1)	✓	✓		✓		✓	✓	✓	✓
Board of Ethics Rules		✓	✓				✓	✓	✓
Instructions to File an Ethics Complaint		✓		✓		✓	✓	✓	✓
Complaint Form		✓					✓	✓	✓
Advisory Opinions		✓						✓	✓
Audio/Video of Public Meeting			✓					✓	✓
Financial Disclosure - Instructions	✓	✓		✓		✓	✓	✓	✓
Financial Disclosure - Law		✓		✓				✓	✓
Annual Report		✓	✓	✓				✓	✓
Email Address		✓	✓	✓		✓		✓	✓
Contact Phone Number	✓	✓		✓			✓	✓	✓
Street Address	✓	✓	✓	✓		✓	✓	✓	✓
Enforcement Case Summaries								✓	✓
Newsletter		✓						✓	✓
Rating by Points	30	90	50	65	0	35	60	95	100

Sources: Selected State and Local Municipality Board of Ethics Websites comparable to Nassau County in June/July 2018.

(1) Some websites refer to the 'Code of Ethics' as the 'Conflict of Interest Law'.

Each data element on the left hand of the chart is an important element for an informative and transparent Board of Ethics website. The Auditors conducted a scoring system of assigning five points per each information point found on each respective Board of Ethics webpage.

There are 20 data points in total, thus creating a maximum score of 100 points. Based on this information the three best Board of Ethics websites were:

- New York State;
- New York City; and
- Suffolk County

Nassau County's website is ranked 2nd lowest with only Westchester scoring lower.

Findings and Recommendations

The Auditors revisited the websites of the nine Board of Ethics websites on October 3, 2018 and noted the following:

- The Westchester Board of Ethics created a website;
- Erie County added the Financial Disclosure Law; and
- Nassau County added the updated Code of Ethics, the Board rules and the Financial Disclosure Law.

Exhibit IV below indicates changes noted to the Ethics websites reviewed in October of 2018. The Auditors note that the Nassau County Counsel to the Board of Ethics is also the consultant for the Board of Ethics in Westchester.

Exhibit IV- October 2018

Type of Website Data	Counties							NYC	NYS
	Nassau	Suffolk	Erie	Orange	Westchester	Rockland	Albany	NY City	NY State
Description/Introduction	✓	✓	✓	✓	*	✓	✓	✓	✓
Board Members Names Posted		✓	✓	✓	*	✓	✓	✓	✓
Board Member Bio		✓						✓	✓
Board Meeting Dates	✓	✓	✓	✓			✓	✓	✓
Board Meeting Minutes		✓	✓	✓	*		✓	✓	✓
Board Meeting Agenda		✓	✓	✓	*		✓		✓
Code of Ethics (1)	✓	✓		✓	*	✓	✓	✓	✓
Board of Ethics Rules	*	✓	✓		*		✓	✓	✓
Instructions to File an Ethics Complaint		✓		✓		✓	✓	✓	✓
Complaint Form		✓					✓	✓	✓
Advisory Opinions		✓						✓	✓
Audio/Video of Public Meeting			✓					✓	✓
Financial Disclosure - Instructions	✓	✓		✓		✓	✓	✓	✓
Financial Disclosure - Law	*	✓	*	✓	*			✓	✓
Annual Report		✓	✓	✓				✓	✓
Email Address		✓	✓	✓	*	✓		✓	✓
Contact Phone Number	✓	✓		✓			✓	✓	✓
Street Address	✓	✓	✓	✓		✓	✓	✓	✓
Enforcement Case Summaries								✓	✓
Newsletter		✓						✓	✓
Rating by Points	40	90	55	65	40	35	60	95	100

Sources: Selected State and Local Municipality Board of Ethics Websites comparable to Nassau County in October 2018.

(1) Some websites refer to the 'Code of Ethics' as the 'Conflict of Interest Law'.

(*) Added to the Website since July 2018

Findings and Recommendations

Exhibit VIII - Suffolk County Board of Ethics Webpage

Advisory Opinions 2018		
Rendered Advisory Opinions 2018		
AO Number	Section of Law	Subject Matter
AO-2018-1	§77-1, §77-3(C), §77-7	Definitions, misuse of official office/position, recusal and disclosure.
AO-2018-3	§77-1, §77-3(B), §77-3(C)	Definitions, conflict of proper discharge of duties, misuse of official office/position.
AO-2018-4	§77-2(A), §77-3(B), §77-3(C), §77-3(D)	Prohibited interests in firms doing business with the County, conflict of proper discharge of duties, misuse of official office/position, confidential information.
AO-2018-6	§77-3(B), §77-3(C)	Conflict of proper discharge of duties, misuse of official office/position.
AO-2018-7	§77-5(G)	Complimentary ticket to charitable event.
AO-2018-8	§77-5(B)	Accepting or receiving any County benefit available generally.
AO-2018-9	§77-3(B), §77-3(C)	Conflict of proper discharge of duties, misuse of official office/position.

Audit Recommendations:

The Nassau County Board of Ethics should:

- a) post redacted advisory opinions on their website to help guide County officials and employees on ethical questions they may have, to assist in preventing ethical missteps before they happen; and
- b) post these opinions in an indexed, searchable manner.

AUDIT FINDING (8)

(8) The Lack of an Annual Report Denies Employees and Residents the Ability to Evaluate the Board's Roles and Responsibilities

The Code of Ethics did not require the preparation of an Annual Report by the Board until the amendment of Local Law No. 6 – 2017 passed by the Legislature in July 2017. Per the amendment, the Board is to submit a report to the County Executive and the County Legislature no later than March 1 each year, summarizing the activities of the Board during the preceding calendar year.

Although an Annual Report has not been required per the Code of Ethics, the Board of Ethics is not communicating effectively with the employees and residents of Nassau County as to what they have done, what training is available, what resource documents are available and what advice or education the Board would like to convey to the public.

Exhibit VII Suffolk County Ethics Posters

No Gifts from Lobbyists



§77-3 (G) Prohibited Conduct

No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist. Penalties can be fines up to \$10,000 and a misdemeanor.

For more information on the ethics laws regarding prohibited conduct 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



Findings and Recommendations

Exhibit VI

Suffolk County's Complaint Form

FOR OFFICE USE ONLY:

COMPLAINT NUMBER: _____ DATE RECEIVED: _____

EBCF-2013
2 Page Form



SUFFOLK COUNTY BOARD OF ETHICS

Mailing: 335 Yaphank Avenue, Yaphank, New York 11980 • Office 631.854.0022 • Fax 631.854.0028

Ethics Violation Complaint Form

Complainant's Information

Your Name: _____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

FOR OFFICE USE ONLY

(STAMP RECEIVED)

Alleged Violation

Who is the complaint against? : _____

What is your association or affiliation to the person (s) you are filing a complaint against? : _____

How is this person associated to Suffolk County?

"X" Box that applies (Required) : COUNTY EMPLOYEE ELECTED OFFICIAL

BOARD/COMMITTEE/COMMISSION/COUNCIL MEMBER

Date and Time Alleged Violation Occurred: _____

Location and Address: _____

Executive Summary

Summary of Audit Findings and Recommendations		
#	Audit Finding	Audit Recommendations
1	The Auditors Found a Lack of Transparency Regarding the Meetings of the Board of Ethics	The Nassau County Board of Ethics should follow both “Governmental Best Practices” and “NYS Open Meetings Law.” They should operate in an open and transparent manner in all dealings including meeting announcements, and procedures so that the public may observe the performance of the Board, its deliberations and its decisions. Having an Ethics Board which is easily accessible to both employees and the public is important to regaining the public’s trust in Nassau County’s governmental operations.
2	The Nassau County Board of Ethics Website is Inadequate and is Ranked Near the Bottom of the Nine Comparable Websites Examined by the Auditors	The Nassau County Board of Ethics should immediately work on improving their website to make it more informative for County Officers, employees, vendors and taxpayers aspiring to be as informative as New York State, New York City and Suffolk County. An informative and easy to navigate website will provide an important resource for the public to keep a check on government operations.
3	Information and Forms Needed to File a Complaint or Violation were Not Made Accessible by the Nassau County Board of Ethics	The Nassau County Board of Ethics should create a written procedures document to be displayed on the public webpage with guidance on how to submit a complaint or violation, as well as an actual complaint form in order to facilitate the filing of a complaint.
4	The Nassau County Code of Ethics is Not Posted or Promoted in County Buildings or Key County Locations for Officers, Employees and Vendors	The Nassau County Board of Ethics should ensure officers, employees and vendors are knowledgeable in the Ethics Laws and have easy access to obtain additional information by: a) Displaying the code of ethics in all County Departments in both employee and public areas; and b) Adapting or creating posters, which include information on the prohibition of the hiring or supervision or relatives (nepotism) or using other methods to convey the Ethics Laws to the employees and vendors of Nassau County.
5	The Board of Ethics has Operated with Less Than the Required Five Members and Consistently Lacked Diversity	The Board/Legislature/County Executive should on an ongoing basis: a) Ensure the full membership of five Board of Ethics Members is maintained by appointing new member(s) within sixty (60) days, as it states in the Code of Ethics; and b) Look for diversity in gender and occupational background for Board selection.
6	The Board did not Conduct Any Investigations or Impose Any Sanctions During the Period 2016 Through July 2018.	The Nassau County Board of Ethics should: a) actively conduct investigations and consider the imposition of sanctions when appropriate; b) provide advisory opinions when a County officer or employee, or former officer or employee requests advice regarding ethical issues relative to themselves or to the head of a County agency, the County Executive or a County Legislator; c) amend Section 2218 (10)(d) of the County Charter to clarify the Board’s authority to, and mandate that, the Board provide advisory opinions concerning the Code of Ethics to county department heads and elected officials regardless of whether or not such advice is related to himself or herself; d) maintain logs of all complaints received; and e) present the Board minutes ‘open to the public’ information to show transparency of the Board’s activities.

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.

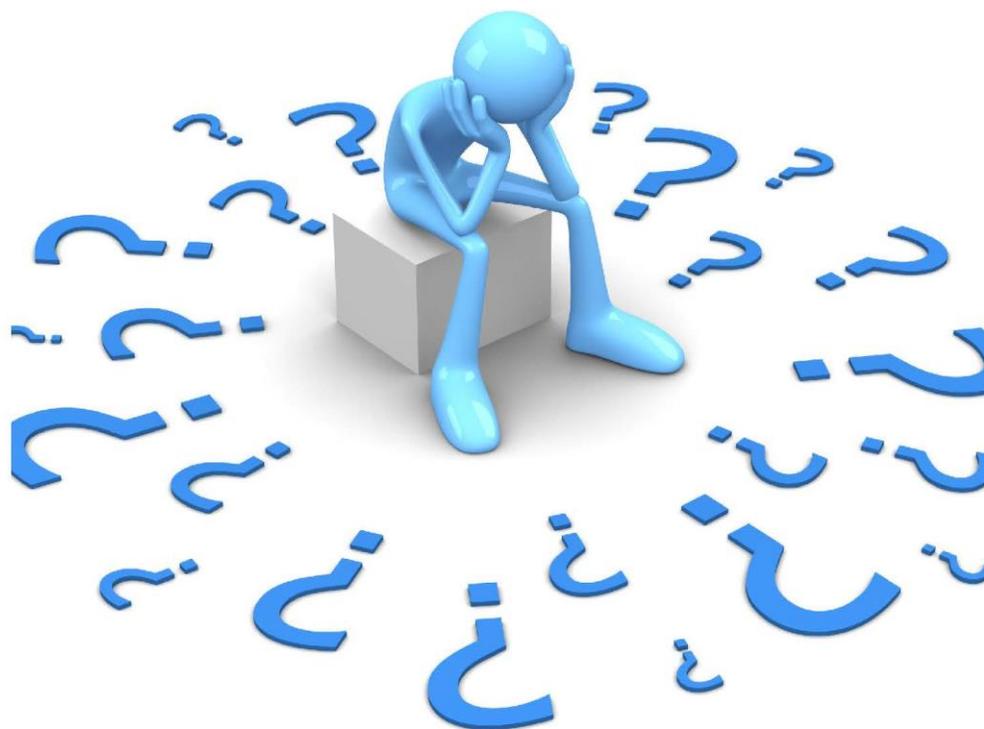
For more information on the ethics laws regarding prohibited interests please contact the Suffolk County Board of Ethics or visit our webpage.



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



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.



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



EXHIBIT D

**SUFFOLK COUNTY
PLANNING COMMISSION
FALL 2019
SUFFOLK COUNTY ETHICS LAWS**

Presenters:

Ingerman Smith, LLP.
Chris Clayton, Esq.
General Counsel and
Independent Training
Consultant



Samantha Segal, Esq.
Executive Director

EthicsBoard@SuffolkCountyNY.gov
Office: 631-854-0022

Training Overview

- Presenters Background
 - Chris Clayton, Esq. – General Counsel
 - Samantha Segal, Esq. – Executive Director
- What is the purpose of this training?
 - To inform you of the applicable laws that you must abide by as a public servant
 - Relevant Recusals and Steps to take
 - Guidelines to follow in avoiding conflict situations and real life examples
 - Steps to take if you believe a conflict exists
 - Potential consequences of violation of these laws

Introduction

What is the Board of Ethics?

- Entity which monitors and enforces the County Code of Ethics (Chapter 77 of the Suffolk County Code)
 - Required to have a Code of Ethics under N.Y. Gen. Mun. Law §908(1)(a)
- Local Law 55-2011
 - Revised the County's existing Code of Ethics
 - Consolidated Ethics and Financial Disclosure Rules
 - Updated the Code to provide clear and coherent guidance to County employees and make financial disclosure requirements more meaningful

Structure of the Board of Ethics

Suffolk County Charter § C30-2

How was the Board of Ethics established?

- **Gen. Mun. Law § 808** provides the County with the authority to establish a Board of Ethics
- **Local Law 58-2011**
 - Created new Articles in the County Charter and County Administrative Code - Necessity of ethics enforcement unit to be independent and impartial
- Board consists of 5 members:
 - 2 selected by County Executive; 1 selected by each of the following legislative members - Presiding Officer, Majority Leader, and Minority Leader
 - Appointment of all members subject to County legislature approval
- No more than 3 members may belong to the same political party (supermajority vote required for certain Board functioning)

CURRENT BOARD MEMBERS

- Eric Kopp, Chair
- Linda A. Spahr, Esq., Vice Chair
- Dennis O' Doherty, Member
- Anthony Paratore, Esq. Member
- David Bekofsky, Member

Election of Chair and Vice Chair

The Suffolk County Board of Ethics shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the Suffolk County Board of Ethics each year. The term of a chairperson or vice-chairperson shall begin upon his or her election (*Amended for clarification by motion at Board Meeting held December 16, 2015*).

Introduction

•What does the Board do?

- Conduct in person and online ethics training for all County employees
- Render advisory opinions on the County's Code of Ethics
- Conduct investigations and hearings on Code of Ethics violations
- Annual Financial Disclosure Statement reviews
- Assess potential penalties or fines for County Code of Ethics violations

See Suffolk County Charter § C30-3 and Suffolk County Administrative Code §§ A30-2 to -7.

Restrictions on Board Members, Counsel, Employees

§ C30-2(B) & (G), § A30-8(A) and (B)

- Board members, Counsel, Executive Director, Secretary are all subject to the Suffolk County Code of Ethics Confidentiality Laws
- Duty to keep information obtained as a member confidential
- Unauthorized disclosure of confidential information punishable by fine up to \$1,500 and/or up to 15 days imprisonment

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General Purpose of all Government Ethics Laws

- Promote public confidence
- Protect officials
- Preserve integrity of government decision-making
- Enhance government efficiency



8

Conflict of Interest

- What is a conflict of interest?
 - Financial or private endeavors that can cause clashes between a person's private life and his or her responsibilities as a public servant
 - Occurs where:
 - an individual has the opportunity to use his or her position for private financial gain
 - outside financial, political, or other interests inappropriately influence the way an individual carries out his or her responsibilities
 - an individual's outside interests otherwise may cause harm to the agency or tarnish public perception of it

9

What Is An Ownership Interest

Suffolk County Code § 77-1

- o Includes interest held by spouse, domestic partner, or unemancipated child (<18, unmarried, same household)
- o The lesser of: more than 5% of the firm or investment of \$25,000 in cash or other form of commitment
- o **OR** if you, spouse, partner, or child is an officer or exercises managerial control in the firm
 - Exceptions: pension plan, deferred compensation plan, or mutual fund where public servant is not in control of those investments

10

Ownership Interest Prohibition

Suffolk County Code § 77-2(A) to (B)



Public servants may not have an ownership interest in a firm engaged in business dealings with the County department or agency they serve

County employees may not have an ownership interest in a firm engaged in business dealings with the County

Suffolk County Board of Ethics ("SCBE") Advisory Opinion ("AO") 2013-3: An employee was prohibited from entering into a contract with the County while holding a position as a County employee

11

If You Have An Ownership Interest

Suffolk County Code § 77-2(C) to (D)

- 3 options:
 - o 1) **Divest** of interest;
 - o 2) **Terminate** business with the County;
 - o 3) **Disclose** interest to the Board and comply with the Board's order
(which may consist of one of the above actions)

12

Restrictions on Other Personal Interests

Suffolk County Code § 77-3(C)

- Cannot use official position or take any action which would result in personal financial benefit to self, associate, customer or client, or anyone who has given gifts or services for less than fair market value in the past year
 - Associate / Associated With:
 - Spouse, domestic partner, child, parent or sibling;
 - SCBE AO 2018-7/B: a cousin is not an associated person
 - Person with whom a business or other financial interest is shared;
 - Each firm in which one has an interest

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Restrictions on Personal Interests: Examples

- Recommending family member for job with a vendor that employee supervises
- Requesting company engaged in business with public agency to add family member's business to their list of vendors
- Using position to prioritize health care delivery to an entity/ non-profit corp. that is employee is involved in on terms and conditions which are not available to other entities
- Taking official action to obtain/create job for family member
- Asking subordinate to perform personal favors/errands
- Doing personal/aside business during work hours
- Many of these may also constitute improper personal use of County resources and carry fines up to \$10,000 and recommendation for suspension or removal from employment or public office; carries misdemeanor penalties

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Recusal

Suffolk County Code § 77-7(A) to (B)



- Public servant shall promptly recuse himself when acting on a matter that would constitute prohibited conduct under the Code of Ethics or would financially benefit himself or a person or firm associated with him
- In recusing, a public servant shall (see additionally slide 16 for SC Planning Commission Recusals):
 - Inform his/her supervisor,
 - File a signed statement with the Board disclosing the conflict, and
 - Immediately refrain from participating further on the matter
 - Recusal involves not participating in discussions on the matter, not attending meetings with relevant parties in the matter, and not receiving related documents

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Confidentiality Conflicts
Examples

- o Public servant using confidential information from health dept. system to complete graduate study research assignment
- o Caseworker accessing Welfare Management System to view public assistance records of relatives
- o Employee in dispute with client mailing copy of client's confidential public assistance records to third party
- o Employee providing information about another employee's disciplinary records to private third party
- o Public servant providing pricing estimates to a private vendor preparing a bid for an agency contract
- o Employee looking up property tax data of neighbors for personal tax certiorari while at work

Gen. Mun. Law. §805-a Prohibited Actions:
Examples

- A licensed architect who sits on a zoning board should not represent persons making their initial application before the local building department (NY Op. Attorney General No. 94-51);
- The chair of the planning board, who is employed by a real estate company that would receive business if a subdivision application is approved, should not participate in the consideration of the application (NY Op. Attorney General No. 86-54);
- A town planning board member who is also a geologist in the private sector may not be compensated or enter into an agreement to be compensated for soil borings on a project before the planning board (NY Op. Attorney General No. 95-14).

Disclosure: Planning & Zoning

Gen. Mun. Law. § 809. Disclosure in certain applications.

- o Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- The existence of certain familial relationships give rise to an interest that may require disclosure.
- Knowing and intentional violation of this section is a misdemeanor, a criminal remedy. *Gen. Mun. Law Section 809(3).*
- Although the language of GML §809 requires only disclosure by applicants, courts have extended the section to mandate recusal by interested board members. See, e.g., *Turkalo Conservation & Taxpayers Ass'n v. Town Board of Turado*, 69 A.D.2d 320 (2d Dept. 1978)

Recent Planning Commission Conflict Cases

- Suffolk County Board of Ethics Advisory Opinion 2016-27

Summary: Under the facts presented, refusal of a Suffolk County Planning Commissioner regarding the a project under Suffolk County Code Section 77-7 is not necessary for the Planning Commissioner whose Town is the geographic location of the project. Given the Planning Commissioner's proscribed duty to represent his or her population, refusal from voting should only be required in cases where there is a clear conflict of interest.

- Suffolk County Board of Ethics Advisory Opinion 2018-1

Summary: The Requestor, a Suffolk County Planning Commissioner, has submitted a request asking if he can partake in matters before the Planning Commission that involve former clients of a law firm that he was an associate to 31 years ago. Upon review of the information submitted, the Board finds that it is not an impermissible conflict for the Planning Commissioner to partake in matters before the Planning Commission that involve former clients of a law firm that he was an associate to 31 years ago.

- Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE and COIB Advisory Opinions; and Suffolk County Code Chapter 77, Chapter 77-1 definition of "associated person", Section 77-3(C), 77-7, and the Suffolk County Board of Ethics Rules.

**IN THE MATTER OF DOLLY WILLIAMS
COIB CASE NO. 2004-517
NOVEMBER 21, 2007**

- SUMMARY: The Board finds a Commissioner for the City Planning Commission ("CPC") \$4,800 for voting in favor of a development plan which would benefit another project in which the Commissioner was an investor. The CPC Commissioner acknowledged that she voted in favor of the Downtown Brooklyn Plan, which development plan included a proposal to modify the definition of "commercial" for certain areas in Brooklyn covered by the plan. One of the areas subject to this modification was located at the intersection of Flatbush and Allenlo Avenues, also known as Site 6A, an area that was also part of the private development plan for the building of a stadium for the Nets basketball team and related real estate development, in which plan the Commissioner was an investor.
- The CPC Commissioner acknowledged that by voting in favor of the Downtown Brooklyn Plan, she violated the City's conflicts of interest law, which prohibits a public servant from using or attempting to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. COIB v. Williams, COIB Case No. 2004-517 (2007).

Planning Comm. Conflict Cases

- NYS AG Opinion 99-38
- SUMMARY: A County Legislature may not appoint a Legislator to the County Planning Commission.
- NYS Ethics Commission AO 92-14
- Pursuant to its authority under Executive Law §94(15), the State Ethics Commission ("Commission") found Public Officers Law §74 does not preclude a specific State employee with a specific State agency from serving as chair of the [Town] planning board. However, because the potential exists for the [State employee] to be, or appear to be, inappropriately influenced by information or opinions concerning a particular project obtained through service as a planning board member, Public Officers Law §74 requires the [State employee] to recuse himself in his State position from matters that are before or predictably may come before the planning board on which he serves. The [State agency] is responsible for determining whether its [employee] can meet his State responsibilities given the anticipated recusal and time demands of serving on the town planning board.

**CONFIDENTIALITY LAWS
SUFFOLK COUNTY CODE 77-3**

D. No public servant shall disclose any confidential information concerning the property, affairs or government of the County which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use such information to advance any financial or private interest of the public servant or of any person associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

If found in violation, potential employment discipline, termination, civil fines up to \$10,000

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**CONFIDENTIALITY LAWS CONTINUED
SUFFOLK COUNTY CODE 971**

§ 971-3 Restrictions on use of information.

No County department, agency, office of employee shall access and/or use the home address information of a law enforcement employee for a non-government purpose.

§ 971-4 Release of home address prohibited.

No department, office, agency, employee, or officer of the County of Suffolk shall release the home address of any Suffolk County police officer, Deputy Sheriff, correction officer, probation officer, park police officer or Assistant District Attorney to a person or organization not associated with Suffolk County government.

- If any confidential information is released by any employee, a 77-3(D) charge may be found to have occurred.

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Prohibited Conduct: Gifts

Suffolk County Code § 77-3(E) to (G)



- No soliciting or accepting gifts with a value of \$75 or more from any person or firm engaged in or intending to engage in business with the County
 - Question as to value of any individual or multiple gifts: report to supervisor and ask for Advisory Opinion
- No receipt of compensation for any official duties except from County
- Cannot solicit, accept, or receive gifts or gratuity of ANY amount from a lobbyist (registered under SCC Ch. 580)

2

Prohibited Conduct: Gifts

Suffolk County Code § 77-3(F)

- **No acceptance of gifts or gratuity from anyone whose interests will be or have been affected by official action**
 - Perishable gifts / small items difficult to return: may accept as a gift to agency and place in common area for all employees to share
 - **Why can't I accept gifts / gratuities?**



At the least, it creates an appearance of impropriety, at the worst, it is purchasing influence. It diminishes public trust and calls your decisions into question

2

Prohibited Conduct: Personal Use Examples

- Using County vehicle for personal reasons -- running errands, commuting from home (when unauthorized)
- Having subordinate complete personal tasks such as drafting letter or making calls (for political campaign to DMV issue to child care) on work time
- Making photocopies for personal business
 - Public servant working on reelection campaign
- Making long distance or excessive personal phone calls from office phone or County-issued cell phone (if authorized by agency, failure to reimburse will constitute violation)

2

Prohibited Conduct: Gifts Example

- **Gifts may include favors, services, trips, events, discounts; or those given to relatives or associates**
 - **SCBE AO 2013-10:**
The Board held that a public servant could not accept an invitation of travel inclusive of expenses pursuant to County Code §77-3(C) and (F)



2

Post-Employment Restrictions

Suffolk County Code § 77-6(A)

There are 8 post-employment restrictions:

4 apply to all public servants

4 apply to all elected officials

- Former public servant cannot solicit, negotiate for, or accept employment with any firm involved in business dealings with the County while you are personally participating in those dealings on behalf of the County
 - Does not apply to federal, state, or local gov't positions

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Post-Employment Restrictions:

Suffolk County Code § 77-6(B) and (D)

- Former public servant cannot appear before the County agency (branch of government if elected official) which he or she served within two years of separation from the County
 - Does not apply to appearances on behalf of another governmental entity

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Post-Employment Restrictions

Suffolk County Code § 77-6(C) and (E)

- Former public servant shall not appear before the County or receive compensation for any services rendered in relation to a matter in which he participated personally and substantially as a public servant
- Prohibition on disclosure and use of confidential information obtained during County service continues for all public servants



- Exception for disclosure of fraud, waste, corruption, etc.

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Post-Employment Restrictions

Suffolk County Code § 77-6(f)

- Exceptions for former public servants:
 - May be associated with a firm that appears before the County
 - May handle ministerial matters in dealings with the County



SCBE advisory opinion 2013-4: Board held that non-ministerial appearance within 2 years post-employment is a conflict of interest; but found that holding a position with a firm who appears before the County is not a conflict.

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Post-Employment Restrictions Example

- **Violation:** Within two years of leaving service, former employee communicates with former department on behalf of a non-profit entity for compensation
- **No Violation:** Public servant resigning to accept a position with a private consulting firm which has a contract with a State agency to undertake environmental review of a proposed State project
 - Would need to communicate with former agency on this project
 - Such communications would not violate Code since he is acting as a representative on behalf of the State, so the governmental exception would apply

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Penalties

Suffolk County Code § 77-9(A) or (B)

- Violation of ownership interest rules in a contract, sale, or transaction with the County:
 - Contract or transaction may be void
- Violation of ownership interest rules, recusal rules, disclosure rules, or engaging in any prohibited conduct in the Code:
 - Fines up to \$10,000 may be imposed and/or suspension or removal of public servant may be recommended by Board

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Penalties

Suffolk County Code § 77-9(C)

- "Knowing" violation of any of the provisions in the Code of Ethics:
 - Misdemeanor subject to maximum of one year imprisonment and/or \$1,000 fine

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Financial Disclosure Requirements

Suffolk County Code § 77-10 to -14

Department Head Financial Disclosure Statement Lists

PROCEDURES AND TIMELINE FOR DEPARTMENT HEAD FDS LISTS

1. Each agency head shall determine by February 15 of each year, subject to review by the Board (by March 1), which persons within the agency are required to submit a financial disclosure statement and shall inform such employees of their obligation to file the statement.
2. The County Executive and the Presiding Officer of the County Legislature shall determine by February 15 of each year, subject to review by the Board (by March 1), which persons within their respective offices are required to submit a financial disclosure statement.

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Financial Disclosure Statement Filers

§ 77-10. PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENT.

- Historically, Suffolk County has 350-500 financial disclosure filers.
- County Department Heads, Elected Officials, public servants, and employees of certain categories are required to file.
- The Suffolk County Planning Commission Members are all required to file under § 77-10. H. "Members appointed to the Suffolk County Planning Commission, the Board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority, and the Board of Trustees of the Department of Parks, Recreation and Conservation".
- Planning Commission Members are subject to filing fines.

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Financial Disclosure Requirements

Suffolk County Code § 77-10 to -14

Late Filing Penalties:

30 days late	7 day grace period in the law	\$250
60 days late	7 day grace period in the law	\$500
90 days late	7 day grace period in the law	\$750
120 days late	7 day grace period in the law	\$1,000

Outside Employment

- The Board audits Financial Disclosure Statements for Conflicts with outside employment
- All employees with outside employment must not break the County ethics laws in their outside jobs (confidential information, government resources, etc.)
- Outside employment cannot be on County time
- Outside employment must be in compliance with County SOP
- The Board investigates complaints regarding outside employment

Other Applicable Laws



NY Penal Law

- Prohibits bribery and official misconduct
 - Bribery (§ 185.00)
 - Offering or conferring a benefit on a public servant in exchange for certain vote, judgment, action
 - If benefit is a reward for violation of public duties, may be a felony
 - Official Misconduct (§§ 200.10- 15, 200.25-27, 200.36, 200.50)
 - Unauthorized exercise of official actions or knowingly refraining from performing duty with intent to obtain benefit
 - Even without proof of corrupt purpose, may still be found guilty of giving or receiving unlawful gratuities in performing official duties

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Common Law Conflicts

- Nepotism
- Appearance of impropriety
 - Prejudgment
 - Outward opposition or support of a project being considered by County agency (1983 Op. Atty. Gen. 8)
 - Ex Parte Communications (ex. hearing, planning board)
- Incompatibility of public offices
 - Some are statutory (County Law § 411)
 - Common law incompatibility
 - One position is subordinate to the other
 - Inherent inconsistency in the duties of the 2 positions
- *O'Malley v. Macella*, 44 N.Y.2d 530(1978)

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Processing Matters Through the SCBE

- o Advisory Opinions (Suffolk County Admin. Code § A30-3)
 - Requests by public servants (incl. former and prospective) or supervisory officials (incl. supervisors of former and prospective public servants) addressing proposed future conduct
 - o Definition amended pursuant to IR 1302-2013
- o Complaints (Suffolk County Admin. Code § A30-5)
 - Board must investigate all written complaints received and take action in accordance with Administrative Code §A30 (see next slide)
 - Public servant or supervisory official may request the Board review and make a determination regarding past or ongoing action
 - o Subject to same procedures as written complaint

Complaints

Suffolk County Admin. Code § A30-6

- If Board makes initial determination of reasonable cause:
 - o Public servant notified in writing and given opportunity to respond
 - Right to be represented by counsel
 - o If, after considering public servant's response, Board determines there remains reasonable cause that violation has occurred:
 - Board shall hold a hearing, or
 - Refer matter to appropriate agency (see next slide)
 - o After hearing, Board shall issue decision within 45 days
 - If violation found:
 - o Penalties imposed as deemed appropriate by the Board
 - o Board may refer to district attorney or other appropriate law enforcement agency

Complaints

Suffolk County Admin. Code § A30-5

- Filing a complaint
 - o Required form: Appendix A in Code of Ethics booklet (and online)
 - o Board cannot assist in filing / preparing complaint
 - o Improper filing of complaint (to influence public servant)
 - Punishable by \$1,500 fine and/or up to 15 days imprisonment
- Upon receiving a written complaint, the Board shall:
 - o Dismiss the complaint if no reasonable cause found to believe the public servant has violated the Code of Ethics; or
 - o Make initial determination of reasonable cause; or
 - o Refer alleged violation to the head of the agency served if related disciplinary charges are pending against public servant

Seeking an Advisory Opinion

- If you are not sure if a prohibited conflict of interest exists, seek an advisory opinion from the Board by:
 - Completing the required form: Appendix B in the Code of Ethics Booklet and available online
 - Your request is confidential
 - Opinion itself will be made public but identifying information will be redacted
 - You may be asked to appear before the Board to further describe your circumstances
 - The Board will issue a response within 45 days (may be extended to a max. of 90 days)
 - Reasonable reliance on an advisory opinion safeguards you

Final Notes

- Check the Suffolk County Code of Ethics
- Consider appearances
- If in doubt, seek an advisory opinion from the Board of Ethics
- File financial disclosure statement on time, completely and accurately, if applicable
- Requests for Departmental Specific Trainings

References

- Ownership interest: NYC COIB AO Nos. 93-27, 94-13, 88-03, NYS Ethics Comm'n AO No. 98-5
- Other interest: NYS Ethics Comm'n AO No. 94-22
- Gifts: NYC COIB AO Nos. 92-10, 94-09
- Representation: NYC COIB AO Nos. 92-36, 94-24, 95-06, 96-06
- Post-Employment: NYC COIB AO Nos. 94-06, 99-03
- Common Law Conflict: Tuxedo Conservation & Taxpayers Assn. v. Town Bd. of Town of Tuxedo, 89 A.D.2d 320 (2d Dept.) (1979)

NYC COIB: New York City Conflicts of Interest Board; similar provisions to Suffolk County Code of Ethics

NYS Ethics Comm'n: now the Joint Commission on Public Ethics; interprets Gen. Mun. Law for state employees, which is less restrictive than County Code

Applicable Laws and Authority

- Suffolk County Code of Ethics (Suffolk County Code § 77)
 - Applies to all County employees, paid or unpaid, including elected officials
- N.Y. General Municipal Law (§§ 801 to 805-b)
 - Applies to all officers and employees of the State in every municipality
- Miscellaneous conflict of interests provisions in other laws
 - Specific to certain positions
- N.Y. Penal Law (§§ 195.09, 200.10-18, 200.25-27, 200.35, 200.50)
- State constitutional restriction on giving / loaning money or property for private undertaking (N.Y. Const. art. 8, § 1)
- Common law
- Advisory Opinions of NYS Attorney General, NYS Comptroller, and SCBE

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Addendum

- Dual office restrictions
 - Alt. County Gov't Law / County Law (Alt. County Gov't Law §§ 50-53, 152; County Law § 411)
 - Ex: board of supervisors and county administrator/manager; elective county officer and any other elective county or town office
- Recusal
 - County Law / General Municipal Law: Planning board (County Law 881; Gen. Mun. Law 239-a(2)(c), -c(1-a), -h(3)(c))
- Removal from office
 - N.Y. Const.: Removal of officers for misconduct in office (art. 13, § 5)
 - Public Officers Law: Gov. may remove county treasurer, coroner (§ 33-35)
- Political activities
 - Civil Service Law: Prohibited personnel actions based on political affiliation, contribution (§ 107)
 - Election Law: Cannot compel or induce officer or employee to make political assessment (§ 17-154 and 155)

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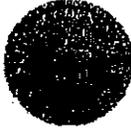
**SUFFOLK COUNTY
BOARD OF ETHICS
TRAINING**

**SUFFOLK COUNTY ETHICS LAWS
PROBATION JUNE 26, 2019
CLE COURSE #ETH044
CPE NY SPONSOR LICENSE: 002876**

Presenters:

**Christopher Clayton, Esq.,
Independent Training
Consultant and Legal Counsel**

**Samantha Segal, Esq.,
Executive Director**



**EthicsBoard@SuffolkCountyNY.Gov
Office: 631-854-0222**

BOARD MEMBERS

- Eric A. Kopp, Chair
- Linda A. Spahr, Esq., Vice Chair
- Richard F. Halverson, Ph.D.
- Dennis O'Doherty
- Anthony Parlatore, Esq.

Introduction

What is the Board of Ethics?

- Entity which monitors and enforces the County Code of Ethics [Chapter 77 of the Suffolk County Code]
 - Required to have a Code of Ethics under N.Y. Gen. Mun. Law §808(1)(a)
 - Local Law 55-2011
 - Revised the County's existing Code of Ethics
 - Consolidated Ethics and Financial Disclosure Rules
 - Updated the Code to provide clear and coherent guidance to County employees and make financial disclosure requirements more meaningful

Introduction

How was the Board of Ethics established?

- Gen. Mun. Law § 808 provides the County with the authority to establish a Board of Ethics
- **Local Law 56-2011**
 - Created new Articles in the County Charter and County Administrative Code
 - Established new Board of Ethics and abolished County's existing Ethics Commission
 - Legislature found it prudent and appropriate to constitute a new board to implement the recently updated Code of Ethics and financial disclosure rules
 - Necessity of ethics enforcement unit to be independent and impartial

Structure of the Board of Ethics

Suffolk County Charter § C30-2

- Board consists of 5 members:
 - 2 selected by County Executive; 1 selected by each of the following legislative members - Presiding Officer, Majority Leader, and Minority Leader
 - Appointment of all members subject to County legislature approval
- No more than 3 members may belong to the same political party

Restrictions on Board Members

§ C30-2(B) & (G), § A30-8(A) and (B)

- Board members are subject to the Code of Ethics
- No Board members shall:
 - Hold, or seek election to, any public office
 - Be a public employee *in any jurisdiction*
 - Have business dealings with the County or any elected official
 - Hold any political party office
 - Make any contribution to a County elected official or candidate for County office
- May be removed for substantial neglect of duty, gross misconduct, inability to discharge duties or violation of the above prohibitions
- Duty to keep information obtained as a member confidential
- Unauthorized disclosure of confidential information punishable by fine up to \$1,500 and/or up to 15 days imprisonment

Introduction

■ What does the Board do?

- Conduct ethics training for all County employees
- Render advisory opinions on the County's Code of Ethics
- Conduct investigations and hearings on Code of Ethics violations
- Impose penalties for Code of Ethics violations
- Financial Disclosure Statement review

See Suffolk County Charter § C30-3 and Suffolk County Administrative Code §§ A30-2 to -7.

Training Overview

■ What is the purpose of this training?

- To inform you of the applicable laws that you must abide by as a public servant
- Guidelines to follow in avoiding conflict situations and real life examples
- Steps to take if you believe a conflict exists
- Consequences of violation of these laws

Purpose of Government Ethics Laws

- Promote public confidence
- Protect officials
- Preserve integrity of government decision-making
- Enhance government efficiency



Conflict of Interest



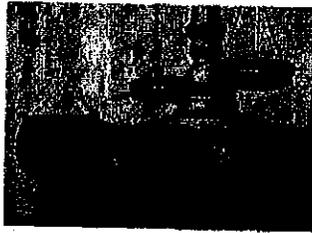
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 - outside financial, political, or other interests inappropriately influence the way an individual carries out his or her responsibilities
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- Miscellaneous conflict of interests provisions in other laws
 - Specific to certain positions
- N.Y. Penal Law (§§ 135.00, 200.10-15, 200.25-27, 200.35, 200.60)
- State constitutional restriction on giving / loaning money or property for private undertaking (N.Y. Const. art. 6, § 1)
- Common law
- Advisory Opinions of NYS Attorney General, NYS Comptroller, and SCBE

County Code of Ethics



Ownership Interest Prohibition

Suffolk County Code § 77-2(A) to (B)



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- includes interest held by spouse, domestic partner, or unemancipated child (<18, unmarried, same household)
- The lesser of: more than 5% of the firm or investment of \$25,000 in cash or other form of commitment
- OR** if you, spouse, partner, or child is an officer or exercises managerial control in the firm
 - Exceptions: pension plan, deferred compensation plan, or mutual fund where public servant is not in control of those investments

If You Have An Ownership Interest

Suffolk County Code § 77-2(C) to (D)

■ 3 options:

- 1) **Divest** of interest;
- 2) **Terminate** business with the County;
- 3) **Disclose** interest to the Board and comply with the Board's order
(which may consist of one of the above actions)

Restrictions on Other Personal Interests

Suffolk County Code § 77-3(A) to (B)



Cannot take any action as a public servant that affects an interest held in a firm (where such interest is not prohibited by the ownership interest rules)

Cannot engage in any transaction or have any interest which is in conflict with the discharge of one's official duties

- **Firm:** sole proprietorship, joint venture, partnership, corporation or any other form of business enterprise
 - Example: Real estate agent member of planning/zoning board considering subdivision application

Restrictions on Other Personal Interests

Suffolk County Code § 77-3(C)

- Cannot use official position or take any action which would result in personal financial benefit to self, associate, customer or client, or anyone who has given gifts or services for less than fair market value in the past year
 - **Associate / Associated with:**
 - Spouse, domestic partner, child, parent or sibling;
 - **SCRE AQ 2013-718:** a cousin is not an associated person
 - Person with whom a business or other financial interest is shared;
 - Each firm in which one has an interest

**Restrictions on Other Personal Interests:
Example**

Case of NYC Comptroller

- Fined \$7,500 by the NYC ethics board
- Board found that she used her public office for private gain and engaged in conduct that conflicted with the proper discharge of her official duties
- Appealed to NYS Court of Appeals, which upheld the "should have known" standard of care for public officials and held that actual knowledge of the benefit is not required
- Suffolk County Code adopted similar provision which does not require actual knowledge of the benefit (§ 77-3(C))

NYC COB v. Holzman, COB Case No. 83-121 (1996), aff'd, 240 A.D.2d 254 (1st Dept. 1997), aff'd, 91 NY2d 469 (1998).

Restrictions on Other Personal Interests: Examples

- Using position to schedule events for a non-profit corp. that employee is involved in on terms and conditions which are not available to other entities
 - Having County attorney represent an employee's private client
 - Having subordinate repair personal/family member's computer or vehicle
 - Recommending family member for job with a vendor that employee supervises
 - Requesting company engaged in business with public agency to add family member's business to their list of vendors
 - Taking official action to obtain/create job for family member
 - Asking subordinate to perform personal favors/errands
 - Doing personal/side business during work hours
- Many of these may also constitute improper personal use of County resources

Recusal

Suffolk County Code § 77-7(A) to (B)



- Public servant shall promptly recuse himself when acting on a matter that would constitute prohibited conduct under the Code of Ethics or would financially benefit himself or a person or firm associated with him
- In recusing, a public servant shall:
 - Inform his/her supervisor,
 - File a signed statement with the Board disclosing the conflict, and
 - Immediately refrain from participating further on the matter
 - Recusal involves not participating in discussions on the matter, not attending meetings with relevant parties in the matter, and not receiving related documents

Recusal - Decision of Interest

- NYC COIB AQ 90-04: Mayor was founding shareholder of a joint venture cable franchisee; sold his shares before he worked for City to his son; has received no payments from his son since then; son's shares represent 1% of company
- Mayor - part of the board that was to consider renewal of cable franchises
- Found to have indirect interest through his son
- Ordered to recuse himself from the vote to avoid the appearance of impropriety

Disclosure Involving County Contracts

Suffolk County Code § 77-8(A) to (B)



If a public servant has or acquires interest in a contract or agreement with the County, he shall **disclose the nature and extent of the interest in writing** to their supervisor and to the Board as soon as he becomes aware of the interest

- Interest: "direct or indirect pecuniary or material benefit"
 - Deemed to have an interest in:
 - Spouse's contracts (except employment agreements);
 - Firm or association contract where he is a member/employee;
 - Contract with corporation where he is an officer, director, or employee

Confidentiality Conflicts

Suffolk County Code § 77-3(D)



- Cannot disclose any confidential information concerning County affairs which was obtained in the course of official duties
 - Exception: disclosure of conduct involving waste, fraud, corruption, criminal activity
- Cannot use such information for financial or private interest for self or any associates



Disclosure gives an unfair advantage which compromises the agency's integrity

Confidentiality Conflicts Examples

- o Public servant using confidential information from health dept system to complete graduate study research assignment
- o Caseworker accessing Welfare Management System to view public assistance records of relatives
- o Employee in dispute with client mailing copy of client's confidential public assistance records to third party
- o Employee providing information about another employee's disciplinary records to private third party
- o Public servant providing pricing estimates to a private vendor preparing a bid for an agency contract
- o Employee looking up property tax data of neighbors for personal tax certiorari while at work

Prohibited Conduct: Gifts

Suffolk County Code § 77-3(E) to (G)



- No soliciting or accepting gifts with a value of \$75 or more from any person or firm engaged in or intending to engage in business with the County
- o Question as to value of any individual or multiple gifts: report to supervisor and ask for Advisory Opinion
- No receipt of compensation for any official duties except from County
- Cannot solicit, accept, or receive gifts or gratuity of ANY amount from a lobbyist (registered under SCC Ch. 580)

Prohibited Conduct: Gifts

Suffolk County Code § 77-3(F)

- No acceptance of gifts or gratuity from anyone whose interests will be or have been affected by official action
- o Perishable gifts / small items difficult to return: may accept as a gift to agency and place in common area for all employees to share
- o Why can't I accept gifts / gratuities?



At the least, it creates an appearance of impropriety, at the worst, it is purchasing influence. It diminishes public trust and calls your decisions into question

Prohibited Conduct: Gifts Example

- Gifts may include favors, services, trips, events, discounts, or those given to relatives or associates

- SCBE AO 2013-10:

The Board held that a public servant could not accept an invitation of travel inclusive of expenses pursuant to County Code §77-3(C) and (F)



Prohibited Conduct: Representation

Suffolk County Code § 77-3(H) to (I)

- A public servant cannot represent private interests for compensation before any County agency or appear on behalf of private interests in matters involving the County
- A public servant cannot appear as an attorney in litigation against County interests
 - Exceptions for: pro se representation of elected official; public servant employed to represent elected official in his/her official capacity; public servant representing a defendant in a criminal proceeding
 - **Appear:** to make any communication, for compensation, other than those involving ministerial matters
 - **Ministerial:** administrative act with established procedures which does not involve substantial personal discretion

Prohibited Conduct: Representation

- Restriction for Attorney Legislators
 - Opinion from New York State Bar Association (Op. No. 431) holding that it is improper for a county legislator to represent a defendant in a criminal case in the same county where he/she serves as a legislator, when such case is being prosecuted by the district attorney who receives funding from the county legislature

Politically Motivated Interests: Restrictions

Suffolk County Code § 77-3(Q) to (K)



Cannot coerce or attempt to coerce another public servant to engage in political activities

- o Includes: campaign management, solicitation of voters, circulating petitions, canvassing
- Cannot influence contributions to any candidate for office in exchange for a job related threat or promise

Politically Motivated Interests: Restrictions

Suffolk County Code § 77-3(M)

- Cannot give or promise to give any money or thing of value in consideration for the nomination, appointment, or election as a public servant

o Ex: You nominate me, I will give you _____



Politically Motivated Interests: Restrictions

Example

- Violation found where Principal sent letter to students' parents thanking a Council member and State Senator for their support of the school and asking parents to endorse and support these candidates

NYC COIB v. Cooper, COIB Case No. 2008-684(2007)

**Prohibited Conduct:
Legislative Matters and Personal Use**

Suffolk County Code § 77-3(L) and (N)

- Cannot attempt to influence legislation that will affect your interest* or that of an associate without publicly disclosing the nature and extent of the interest
(* - when less than that prohibited as ownership interest)
- Cannot make personal use of County resources or supplies
 - See agency's acceptable use policy, employee handbook

**Prohibited Conduct: Personal Use
Examples**

- Using County vehicle for personal reasons – running errands, commuting from home (when unauthorized)
- Having subordinate complete personal tasks such as drafting letter or making calls (for political campaign to DMV issue to child care) on work time
- Making photocopies for personal business
 - Public servant working on reelection campaign
- Making long distance or excessive personal phone calls from office phone or County-issued cell phone (if authorized by agency, failure to reimburse will constitute violation)

**Restrictions on Dual Office and Political
Party Officials**

Suffolk County Code § 77-4(A) to (B)

- Political party officer is not eligible to serve as an elected official or member of any commission whose members are appointed by the County Executive or Legislature
 - Political party officer – chairperson of any County political party committee elected pursuant to NY Election Law § 2-112, or the chairperson of any Town political party committee
- No elected official shall hold another paid position with the County or any department or office of the US or State of NY, or any town or village
 - Exception: teacher or professor in public school or college
 - Elected Official – County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff, or member of County Legislature

Restrictions on Dual Office and Political Party Officials

Suffolk County Code § 77-4(C) to (D)

- Political party officer may represent private interests before a County agency after disclosure of services to be provided
- Political party officer or his/her firm shall not have business dealings with the County except for a contract resulting from the competitive bidding process under GML 5-A

Exemptions

Suffolk County Code § 77-5(A) to (G)

- There are 7 exemptions, which include:
 - Elected official may appear without compensation on behalf of constituents in the performance of his/her official duties
 - Public servant may accept or receive County benefit provided to residents generally
 - Elected official may propose or vote on a measure that will provide benefit to himself if benefit will be available to residents generally
 - Ex. new tax exemption that will affect all small business owners in county and legislator owns a small business
 - Public servant or spouse may act as attorney, broker, or consultant for non-profit corp. with County business dealings, so long as she has no direct or indirect part in such business dealings and receives no compensation

Example: Outside Law Practice

- Public servants who engage in the outside practice of law while employed by the County may not:
 - Use County time, resources, or facilities in connection with this practice (§ 77-3(N))
 - Use position in County to attempt to gain benefit for clients (§ 77-3(C))
 - Represent clients in cases against the County (§ 77-3(I))
 - Work on County-related matters on behalf of clients (§ 77-3(H))
 - Represent clients engaged in dealings with the County (§ 77-3(A), (B))
- Consistent with NY Rules of Prof'l Conduct, Rule 1.7 regarding concurrent clients

Post-Employment Restrictions

Suffolk County Code § 77-6(A)

There are 8 post-employment restrictions:

4 apply to all public servants

4 apply to all elected officials

- Former public servant cannot solicit, negotiate for, or accept employment with any firm involved in business dealings with the County while you are personally participating in those dealings on behalf of the County
 - Does not apply to federal, state, or local gov't positions

Post-Employment Restrictions:

Suffolk County Code § 77-3(B) and (D)

- Former public servant cannot appear before the County agency (branch of government if elected official) which he or she served within two years of separation from the County
 - Does not apply to appearances on behalf of another governmental entity

Post-Employment Restrictions

Suffolk County Code § 77-6(C) and (E)

- Former public servant shall not appear before the County or receive compensation for any services rendered in relation to a matter in which he participated personally and substantially as a public servant
 - Consistent with NY Rules of Prof'l Conduct, Rule 1.11
- Prohibition on disclosure and use of confidential information obtained during County service continues for all public servants
 - Exception for disclosure of fraud, waste, corruption, etc.
 - Consistent with NY Rules of Prof'l Conduct, Rules 1.9 & 1.11



Post-Employment Restrictions

Suffolk County Code § 77-6(P) to (H)

- Elected official who resigns prior to the end of his/her term may not be employed by the County in any other position for two years
- No elected official, whether upon resignation or expiration of term, may be employed by an employee organization which engages in collective bargaining with the County for two years

Post-Employment Restrictions

Suffolk County Code § 77-6(F)

- Exceptions for former public servants:
 - May be associated with a firm that appears before the County
 - May handle ministerial matters in dealings with the County



SCBE advisory opinion 2013-4: Board held that non-ministerial appearance within 2 years post-employment is a conflict of interest; but found that holding a position with a firm who appears before the County is not a conflict.

Post-Employment Restrictions Example

- **Violation:** Within two years of leaving service, former employee communicates with former department on behalf of a non-profit entity for compensation
- **No Violation:** Public servant resigning to accept a position with a private consulting firm which has a contract with a State agency to undertake environmental review of a proposed State project
 - Would need to communicate with former agency on this project
 - Such communications would not violate Code since he is acting as a representative on behalf of the State, so the governmental exception would apply

Penalties

Suffolk County Code § 77-9(A) to (B)

- Violation of ownership interest rules in a contract, sale, or transaction with the County:
 - Contract or transaction may be void
- Violation of ownership interest rules, recusal rules, disclosure rules, or engaging in any prohibited conduct in the Code:
 - Fines up to \$10,000 may be imposed and/or suspension or removal of public servant may be recommended by Board

Penalties

Suffolk County Code § 77-9(C)

- "Knowing" violation of any of the provisions in the Code of Ethics:
 - Misdemeanor subject to maximum of one year imprisonment and/or \$1,000 fine

Financial Disclosure Requirements

Suffolk County Code § 77-10 to -14

- Agency heads, County Executive and Presiding Officer of County Legislature determine who is required to submit statements based upon employee categories defined in Code
 - Incl. elected officials, candidates for certain public offices, dept. heads, managerial/policymaking positions, certain board members
 - Filing Penalties:

30 days late	\$750
60 days late	\$500
90 days late	\$750
120 days late	\$1,000

Other Applicable Laws



General Municipal Law § 801-805(a)

- Prohibits interests in contracts with municipality
 - Contract + benefit + control = violation
- Additional conflict of interest prohibitions:
 - Gifts
 - Confidential information
 - Private work on matters before an official's agency
 - Contingent compensation
- All areas are covered by County Code of Ethics, which has more stringent rules and harsher penalties for engaging in prohibited conduct

NY Penal Law

- Prohibits bribery and official misconduct
 - Bribery [§ 195.00]
 - Offering or conferring a benefit on a public servant in exchange for certain vote, judgment, action
 - If benefit is a reward for violation of public duties, may be a felony
 - Official Misconduct [§§ 200.10-.16, 200.25-.27, 200.36, 200.60]
 - Unauthorized exercise of official actions or knowingly refraining from performing duty with intent to obtain benefit
 - Even without proof of corrupt purpose, may still be found guilty of giving or receiving unlawful gratuities in performing official duties

Common Law Conflicts

- Nepotism
- Appearance of impropriety
 - Prejudgment
 - Outward opposition or support of a project being considered by County agency [1893 Op. Atty. Gen. 6]
 - Ex Parte Communications (ex: hearing, planning board)
- Incompatibility of public offices
 - Some are statutory [County Law § 411]
 - Common law incompatibility
 - One position is subordinate to the other
 - Inherent inconsistency in the duties of the 2 positions
- *Malley v. Maceika*, 44 N.Y.2d 630(1978)

Common Law Conflicts Example

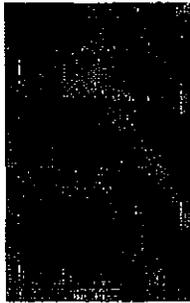
- NYS App Div. 2nd Dept (2000):
 - President of Nassau County Regional Off-Track Betting Corp. (Nassau OTB) failed to show that Nassau County legislator should be enjoined from voting on appointments to the Nassau OTB's board of directors
 - Legislator employed as a branch manager for the NYC-OTB and was a member of the union which represents all Nassau OTB employees, which allegedly created "appearance of impropriety"
 - Legislator not in a policy-making position at OTB, not a union official or member of negotiating team; NYC and Nassau OTB have separate negotiating units
 - No record of dealings between NYC-OTB and Nassau County Legislature
- Peterson v. Cobble*, 275 A.D.2d 35

Addendum

- Dual office restrictions
 - All County Gov't Law / County Law [All County Gov't Law §§ 60-63, 152; County Law § 411]
 - Ex: board of supervisors and county administrator/manager; elective county officer and any other elective county or town office
- Recusal
 - County Law / General Municipal Law: Planning board [County Law 661; Gen. Mun. Law 239-c(2)(c), -a(4-a), -h(3)(c)]
- Removal from office
 - N.Y. Const.: Removal of officers for misconduct in office [art. 13, § 5]
 - Public Officers Law: Gov. may remove county treasurer, coroner [§ 33-36]
- Political activities
 - Civil Service Law: Prohibited personnel actions based on political affiliation, contribution [§ 107]
 - Election Law: Cannot compel or induce officer or employee to make political assessment [§ 17-154 and -158]

Final Notes

- Check the Suffolk County Code of Ethics
- Consider appearances
- If in doubt, seek an advisory opinion from the Board of Ethics
- File financial disclosure statement on time, completely and accurately, if applicable



Processing Matters Through the SCBE

- **Advisory Opinions** (Suffolk County Admin. Code § A30-3)
 - Requests by public servants (incl. former and prospective) or supervisory officials (incl. supervisors of former and prospective public servants) addressing proposed future conduct
 - Definition amended pursuant to IR 1302-2013
- **Complaints** (Suffolk County Admin. Code § A30-5)
 - Board must investigate all written complaints received and take action in accordance with Administrative Code §A30 (see next slide)
 - Public servant or supervisory official may request the Board review and make a determination regarding past or ongoing action
 - Subject to same procedures as written complaint
 - The Board may review past or ongoing action of a public servant on its own motion
 - Subject to same procedures as written complaint

Complaints

Suffolk County Admin. Code § A30-5

- Filing a complaint
 - Required form: Appendix A in Code of Ethics booklet (and online)
 - Board cannot assist in filing / preparing complaint
 - Improper filing of complaint (to influence public servant)
 - Punishable by \$1,500 fine and/or up to 15 days imprisonment
- Upon receiving a written complaint, the Board shall:
 - Dismiss the complaint if no reasonable cause found to believe the public servant has violated the Code of Ethics; or
 - Make initial determination of reasonable cause; or
 - Refer alleged violation to the head of the agency served if related disciplinary charges are pending against public servant

Complaints

Suffolk County Admin. Code § A30-6

- If Board makes initial determination of reasonable cause:
 - Public servant notified in writing and given opportunity to respond
 - Right to be represented by counsel
 - If, after considering public servant's response, Board determines there remains reasonable cause that violation has occurred:
 - Board shall hold a hearing, or
 - Refer matter to appropriate agency (see next slide)
 - After hearing, Board shall issue decision within 45 days
 - If violation found:
 - Penalties imposed as deemed appropriate by the Board
 - Board may refer to district attorney or other appropriate law enforcement agency
- Board given investigatory powers, including issuance of subpoenas with supermajority vote

Seeking an Advisory Opinion

- If you are not sure if a prohibited conflict of interest exists, seek an advisory opinion from the Board by:
 - Completing the required form: Appendix B in the Code of Ethics Booklet and available online
 - Your request is confidential
 - Opinion itself will be made public but identifying information will be redacted
 - You may be asked to appear before the Board to further describe your circumstances
 - The Board will issue a response within 45 days (may be extended to a max. of 90 days)
 - Reasonable reliance on an advisory opinion safeguards you

References

- Ownership interest: NYC COIB AO Nos. 93-27, 94-13, 98-03, NYS Ethics Comm'n AO No. 98-5
- Other interest: NYS Ethics Comm'n AO No. 94-22
- Gifts: NYC COIB AO Nos. 92-10, 94-09
- Representation: NYC COIB AO Nos. 92-36, 94-24, 95-08, 96-06
- Post-Employment: NYC COIB AO Nos. 94-05, 99-03
- Common Law Conflict: Tuxedo Conservation & Taxoovers Assn. v. Town Bd. of Town of Tuxedo, 89 A.D.2d 320 (2d Dept.) (1979)

NYC COIB: New York City Conflicts of Interest Board; similar provisions to Suffolk County Code of Ethics

NYS Ethics Comm'n: now the Joint Commission on Public Ethics; interprets Gen. Mun. Law for state employees, which is less restrictive than County Code

EXHIBIT E



Suffolk County Board of Ethics



CONFLICT CASES

IN THE MATTER OF NANCY CAMPBELL ROSS

COIB Case No. 97-76
OATH Index No. 538/98

SUMMARY: In January 1998, after a full trial, the Board imposed a \$1,000 fine on a former Assistant District Attorney who issued a false grand jury summons to a police officer to interfere with his scheduled testimony against the Assistant District Attorney's husband in traffic court on the same day.

IN THE MATTER OF RENE COLLINS COIB CASE NO. 2013-258 OATH INDEX NO. 556/14

SUMMARY: The Board imposes a fine of \$10,000 upon Respondent for violating Chapter 68 of the City Charter, the City's conflicts of interest law to a former clerical associate for the Staten Island District Attorney's Office. This enforcement matter involves a former clerical associate for the Staten Island District Attorney's Office (the "DA's office") who offered to provide a convicted drug dealer confidential information as to whether he was under investigation, in exchange for his giving Respondent's husband two units of crack cocaine. Respondent showed her DA's office identification to the detectives in an attempt to prevent her husband's arrest.

Phone: 631.854.0022

18 U.S.C. § 207 Continued..... *United States v. Adam J. J. Pudenz* (Impermissible Post-Employment) Summary

Defendant Captain Pudenz spent a year overseeing major U.S. government contracts for the provision of clothing and footwear to the Afghan National Security Forces, all of which were held by a single Afghan company. Before he departed from Afghanistan in December 2010, Mr. Pudenz began negotiating for future employment with the Afghan company that held the clothing contracts he was responsible for administering, a fact he later denied when interviewed by U.S. law enforcement agents. He was discharged in January 2011, and prior to his departure from government service, he received a legal opinion from his agency explaining the relevant post-government employment restrictions. Mr. Pudenz returned to Afghanistan in March 2011 to work for the clothing company, and between approximately April 2011 and November 2011, he contacted U.S. officials in person and by email (in many cases officials in the same office where he previously worked) on behalf of his new employer on matters relating to the same contracts he previously administered as a government employee. In the course of these contacts, Mr. Pudenz repeatedly told U.S. government contracting officials that he had been given "safe harbor" to represent his Afghan employer, and on several occasions he gained entry to U.S. military compounds by falsely telling guards that he was still in the U.S. military and working as a U.S. contracting official. As compensation for his services, Mr. Pudenz was scheduled to receive \$500,000 per year from his Afghan employer, of which \$250,000 was paid to him up front in March 2011. Mr. Pudenz pleaded guilty on March 10, 2015, to a two count Information charging him with violating 18 U.S.C. § 1001(a)(2) for making false statements to federal officials and 18 U.S.C. § 207(a)(1) for violating post-government employment restrictions. He was sentenced on August 20, 2015, to two concurrent three-year terms of probation and was ordered to pay a \$200 assessment. As part of his plea agreement with the United States, Mr. Pudenz agreed in a separate civil action to forfeit both his home, which he purchased with money he received from his post-government employment activities, and three Afghan rugs. This case was prosecuted by the United States Attorney's Office for the Northern District of Iowa.

For a copy of the Amended Information filed in this case, see [https://www.oge.gov/Web/OGEnsf/Resourcess/Pudenz+Amended+Information+\(2015\)](https://www.oge.gov/Web/OGEnsf/Resourcess/Pudenz+Amended+Information+(2015)).

How to Request an Advisory Opinion

If you are unsure whether something might be a conflict with these restrictions, you can request an Advisory Opinion from the Board by downloading the Advisory Opinion Request Form from the Board of Ethics webpage and mailing the completed form to:

Suffolk County Board of Ethics
Mailing: 335 Yaphank Avenue
Yaphank, New York 11980
Phone: 631.854.0022
Fax: 631.854.0028



Conflict Cases

Continued...

IN THE MATTER OF KENNETH THOMPSON
COIB CASE NO. 2015-110

SUMMARY: The Kings County District Attorney paid a \$15,000 fine in connection with his receipt of improper meal payments from the Kings County District Attorney's Office ("KCDA") and for having subordinates use their personal money to pay his meal expenses pending their reimbursement by KCDA. The Kings County District Attorney admitted to having KCDA pay for his weekday meals from January 2014 through May 2014, totaling \$2,043, which he repaid in July 2014; having KCDA pay for his dinner and weekend meals from January 2014 through February 2015, totaling \$1,489, which he repaid in August 2015; and having the members of his security detail advance their own money for these expenses, as well as other of his personal meal expenses totaling \$1,992, for which the District Attorney periodically reimbursed KCDA per an arrangement with KCDA's Fiscal Office. KCDA reimbursed the members of the security detail for their cash advances, sometimes after a delay. The Kings County District Attorney acknowledged that his conduct violated the provisions of the City's conflicts of interest law that prohibit the City's elected officials and other public servants from using, or attempting to use, their City positions to obtain any financial gain, privilege, or other private or personal advantage for the public servant, and from using City resources for any personal, non-City purpose. The Kings County District Attorney also acknowledged that, by permitting an office policy pursuant to which subordinate staff regularly advanced their own money to cover his personal expenses, he entered into a prohibited financial relationship with his subordinate employees. In determining the level of fine, the Board took into account that the Kings County District Attorney reimbursed all funds to KCDA prior to the Board's

commencement of an enforcement action, as well as the high level of accountability required of the chief prosecutor of Brooklyn. *COIB v. K. Thompson*, COIB Case No. 2015-110 (2016).

IN THE MATTER OF LISA PAYNE WANSLEY
COIB CASE NO. 2014-665

SUMMARY: The Administrative Chief of the Bronx District Attorney's Office paid a \$5,000 fine for: (1) asking one of her subordinates to consult on her brother's wedding and paying him \$1,250 for doing so; (2) paying another subordinate \$500 for catering her father's birthday party; and (3) selling \$4,451 worth of soaps and other products for her private business to five of her subordinates. The City's conflicts of interest law prohibits public servants from using their City position for their personal benefit or the benefit of anyone with whom they are associated, a category that includes siblings. The conflicts of interest law also prohibits public servants from entering into financial relationships with their superiors or subordinates. *COIB v. Payne Wansley*, COIB Case No. 2014-665 (2016).

The U.S. Office of Government Ethics (OGE) summaries of prosecutions reported to OGE for past years can be found at www.oge.gov under the topic of "Enforcement."

18 U.S.C. § 208
United States v. Anthony Tobiasz
(Impermissible Contracts)
Summary

From 2008 to 2012, Anthony Tobiasz served as postmaster for the Thiensville, Wisconsin Post Office. As part of his duties, he represented the United States Postal Service (USPS) as the Contract Officer Representative. During this same time, Mr.

Tobiasz was a part owner of a cleaning business, and awarded this business the contract for cleaning the Thiensville Post Office without disclosing his ownership interest in the company to the USPS. Additionally, he referred Post Office job leads to his business partner, and helped guide his partner through the application process. Mr. Tobiasz's company won cleaning contracts with multiple other Post Offices in the region, despite the company's higher prices and complaints about poor service. The USPS paid the company approximately \$418,000 for cleaning services, and the agency estimates that it lost between \$77,774.80 and \$96,491.82 under these contracts (as compared to less expensive successor cleaning vendors). Mr. Tobiasz received approximately \$10,000 annually from the cleaning company from the funds received from these USPS contracts. Mr. Tobiasz entered into a plea agreement filed with the court on May 4, 2015, pursuant to which he pleaded guilty to a one count Information charging him with violating 18 U.S.C. §§ 208(a) & 216(a). On October 2, 2015, he was sentenced to one year of probation and was ordered to pay a special assessment of \$100. Mr. Tobiasz also agreed to pay \$50,000 in a separate civil settlement with the United States in lieu of restitution. This case was handled by the United States Attorney's Office for the Eastern District of Wisconsin. For a copy of the plea agreement, see [https://www.oge.gov/Web/OGEnsf/Resources/Tobiasz+Plea+Agreement+\(2015\)](https://www.oge.gov/Web/OGEnsf/Resources/Tobiasz+Plea+Agreement+(2015)).

18 U.S.C. § 207
United States v. Adam J. Pudenz
(Impermissible Post-Employment)
Summary

In 2010, defendant Adam Pudenz was a United States Air Force Captain stationed at Camp Eggers, near Kabul, Afghanistan.

.....Continued on reverse

Suffolk County Code

§ 77-14. PUBLIC INSPECTION OF STATEMENTS

A. Information filed in financial disclosure statements required by this article shall be maintained by the Board and shall be made available for public inspection, upon written request on such form as the Board shall prescribe. The Board shall respond to requests for inspection of financial disclosure Board shall statements in the order that they are received and within the time periods prescribed by New York's Freedom of Information Law.

B. Any person required to file a statement may, at the time the statement is filed, submit a request to the Board, in such form as the Board shall require, to withhold any item disclosed therein on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. The Board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the Board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of any person. The Board shall provide a written notification of the Board's determination to the person who requested that information be withheld from public inspection in a timely manner, and shall not release the information subject to the request until at least 10 days after mailing such notification.

✓ COMPLETENESS CHECK

BEFORE FILING DID YOU:

1. Complete the cover page including unemancipated children or checking the children box none
2. Initial the instructions page
3. Answer all questions, checking boxes when applicable
4. Sign and notarize Page 31
5. Request additional privacy
6. Keep a copy for your records
7. File the original with the Board.

BOARD POLICY REDACTIONS

All Financial Disclosure Statements

1. Home Address
2. Home Telephone Number
3. Name of Spouse or Domestic Partner
4. Name(s) of Unemancipated Child(ren)
5. Categories of Value

“Endangerment of Life or Safety”

1. Filers with active temporary restraining order
2. Filers or the filer's cohabitating family who are victims of violent crimes
3. Filers or filer's children who are domestic abuse victims
4. Filers with corroborated criminal threats

Suffolk County Board of Ethics FDS Filing Guide

FILINGS DUE MAY 15th



Suffolk County Code Chapter 77 Article II Financial Disclosure

§ 77-12 CONTENT AND FORM OF STATEMENT

A. The financial disclosure statement filed in any given year shall provide financial information for the preceding calendar year.

§ 77-13 REVIEW OF STATEMENT

The Board or its staff will review each financial disclosure statement filed with it to determine if there has been compliance with this article governing financial disclosure.

**Mailing: 335 Yaphank Avenue
Yaphank, New York 11980
Phone: 631.854.0022
Fax: 631.854.0028
EthicsBoard@SuffolkCountyNY.Gov
www.SuffolkCountyNY.Gov**

Information not requested on County Financial Disclosure

- * Alimony/maintenance
- * Bankruptcy
- * Campaign fund-raising
- * Checking Accounts
- * Child Support
- * Death Benefits
- * Disability Payments
- * Foreclosures
- * Lag Pay
- * New York State or New York City defined benefit retirement plans*
- * Public assistance
- * Unemployment benefits,
- * Worker's Compensation
- * Savings accounts
- * 911 Victim Compensation Funds

*Reflects most common categories of question and is not exhaustive.

The Board has no authority to answer tax and income questions.

FDS Extension applications are available upon request.

Amendments can only be accepted on the official addendum form pursuant to §77-11(D)

The Board is required to notify the County Comptroller of employees who fail to file. The Comptroller shall withhold the employee's paycheck pursuant to §77-16(B)

FINANCIAL DISCLOSURE CATEGORIES AND QUESTION NUMBERS FOR FILER/SPOUSE/CHILDREN

Categories	Filer	Spouse
Accounts receivable	16	28
Annuities	5,6	20
Capital gains	5,6	20
Car loans from a financial institution	17	29
Condominiums, cooperatives	15	27
Clients/Customers	14	26
Credit Card Debt in excess of \$5,000	17	29
Deferred Compensation	6	20
Dividends	5	20
Estates	6	20
Former Employer Agreement	9	NR
Future Employer Agreement	10	NR
Gifts	8	21**
Government Contracts	11	22 **
Income (includes, but is not limited to, income from compensated employment, directorships and other fiduciary positions, contractual arrangements, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, income derived from a trust, and income derived from real estate rents).	1,5,6	20
Investments	12,14, 15	24,25, 27
IRA's	6	25

Categories	Filer	Spouse
Money owed to you	16	28
Money you owe	17	29
Mortgage on property you own	17,19	19
Mutual Funds	6,13	25
Outside Employment	2	18**
Payment for County Travel	7	23
Pensions	5,6	20
Positions	3	19**
Political Positions	4	NR
Real Estate (Rental and Residential)	15	27
Rental Income	5	20
Retirement Plans	6	20
Securities	13	25

** Form requests this category for spouse and un emancipated children

Suffolk County Board of Ethics
 335 Yaphank Avenue
 Yaphank, New York 11980
 VISIT US AT:
WWW.SUFFOLKCOUNTYNY.GOV

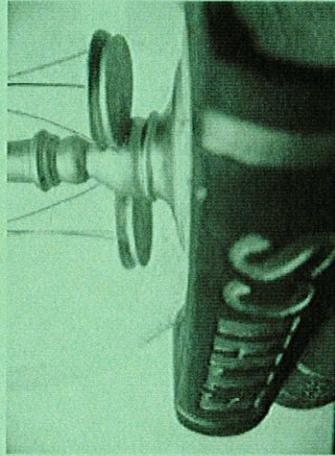


LATE FILING FINES

30 days late	\$250
60 days late	\$500
90 days late	\$750
120 days late	\$1,000

Suffolk County Code

§77-7. Recusal and Disclosure



"A public servant shall promptly recuse himself or herself..."
Suffolk County Code §77-7 (A)

Suffolk County Board of Ethics



Suffolk County Code § 77-7. Recusal and Disclosure

Suffolk County Board of Ethics

Mailing: 335 Yaphank Avenue
Yaphank, New York 11980

Phone: 631.854.0022

Fax: 631.854.0028

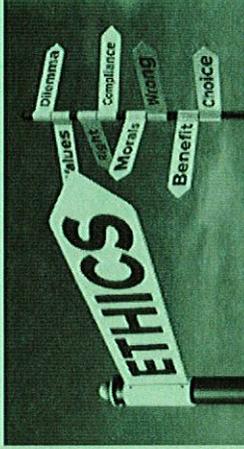
EthicsBoard@SuffolkCountyNY.Gov

www.SuffolkCountyNY.Gov



Phone: 631.854.0022

Suffolk County Code §77-7. Recusal and Disclosure



§77-7 Recusal and Disclosure

A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.

B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:

- (1) Promptly inform his or her immediate supervisor, if any;
- (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
- (3) Immediately refrain from participating further in the particular matter.

Recusal Statements can be mailed or faxed to the Board of Ethics at:

Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

FAX: 631.854.0028

How to Request an Advisory Opinion

If you are unsure whether something might be a conflict, you can request an Advisory Opinion from the Board by downloading the Advisory Opinion Request Form from the Board of Ethics webpage and mailing the completed form to:

Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

Or you can fax the completed form to:

FAX: 631.854.0028



VISIT US AT:
WWW.SUFFOLKCOUNTYNY.GOV



2020

Quick Reference

County Ethics Administrative Deadlines and Departmental Requests



Suffolk County Board of Ethics
Office: (631) 854-0022
Fax: (631) 854-0028

www.suffolkcountyny.gov/agencies/ethics

<http://suffolkhome/EmployeeResources/BoardofEthicsEducationalMaterials.aspx>

ALL PUBLIC OFFICIALS AND EMPLOYEES

- Familiarize yourself with the Suffolk County Code of Ethics Booklet
- Attend training online or in person
- Take the online ethics training and quiz located on the County intranet
- Contact the Board's office to submit advisory opinion requests to the Board of Ethics if a question arises

FINANCIAL DISCLOSURE STATEMENT FILERS

- Read the instructions
- File on time. If an extension of time is needed, request an extension from the Suffolk County Board of Ethics
- Speak to your Department Supervisor/Department Head about outside employment approvals
- Remember to initial and notarize your form prior to submission
- Mail, hand deliver, or use interoffice mail for filing your submission

ALL COUNTY DEPARTMENT HEADS

- February 15: designate your Department's required County Financial Disclosure Statement filers
- March 1: Submit your Department Head FDS list to the Board of Ethics
- May 15: Submission date for County FDS filings
- Attend an Ethics training if you are appointed by a Suffolk County elected official
- Request Supervisory opinions from the County Board of Ethics
- Display the "Ethics by Posters" Board of Ethics educational posters

ELECTED OFFICIALS

- Attend your Ethics training after you are sworn into office
- May 15: submit your County Financial Disclosure Statement
- May 31: Submit your biannual Elected Official Sworn Statement
- October 31: Submit your biannual Elected Official Sworn Statement
- File timely recusals with the County Board of Ethics

ELECTED OFFICIALS CONTINUED

Display the Board's educational materials including the "Ethics by Posters" posters and quick reference pamphlets

LEGISLATIVE DISTRICT OFFICES

Attend online or in person Ethics Trainings

File timely recusals

May 15: Submit your County Financial Disclosure Statement

May 31: Submit your biannual Elected Official Sworn Statement

October 31: Submit your biannual Elected Official Sworn Statement

Display the Board's educational materials including the "Ethics by Posters" posters and quick reference pamphlets

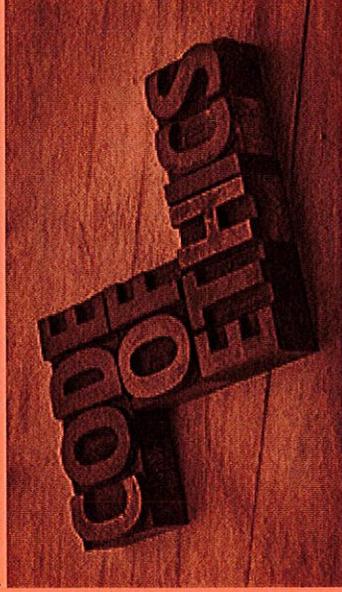
SUPERVISORY OFFICIALS

Request advisory opinions or reviews of determination from the Board

Participate in County Ethics Board trainings online and/or in person seminars

Mission Statement

The Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through Training, Transparency, and Trust



Suffolk County Board of Ethics

Office: (631) 854-0022

Fax: (631) 854-0028

www.suffolkcountyny.gov/agencies/ethics

<http://suffolkhome/EmployeeResources/BoardofEthicsEducationalMaterials.aspx>

2020

Quick Reference

County Ethics Administrative Deadlines and Departmental Requests



Suffolk County Board of Ethics

Office: (631) 854-0022

Fax: (631) 854-0028

www.suffolkcountyny.gov/agencies/ethics

<http://suffolkhome/EmployeeResources/BoardofEthicsEducationalMaterials.aspx>

Quick Reference

For Candidates



MAY 31

**Candidate's Sworn Statement
Semiannual Filing**



**County Financial Disclosure
Statement Filing**

ON OR BEFORE

**THE LAST DAY FOR FILING
DESIGNATING PETITIONS**

----- *OR* -----

WITHIN 15 DAYS

AFTER A CERTIFICATE

**DESIGNATING SUCH PERSON TO
FILL A VACANCY IS FILED WITH**

BOARD OF ELECTIONS



OCT 31

**Candidate's Sworn Statement
Semiannual Filing**

Mission Statement

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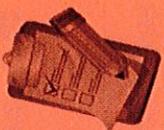
Suffolk County Board of Ethics

Office: (631) 854-0022

Fax: (631) 854-0028

EthicsBoard@SuffolkCountyNY.Gov

Important Documents



ADVISORY OPINIONS

THE BOARD CAN RENDER ADVISORY OPINIONS TO PROSPECTIVE PUBLIC SERVANTS with respect to all matters covered by Chapter 77, Part 1, Article I, of the Suffolk County Code or any other applicable provision of law governing conflicts of interest. The Suffolk County Board of Ethics' Advisory Opinion Request form is available on our webpage or upon request made to our office.

STATEMENTS AND FORMS ON BOARD'S

WEBPAGE, INCLUDING:

- Candidate's Sworn Statement
- Candidate Financial Disclosure Statement
- Official Addendum to Financial Disclosure Statement ("FDS")
- FDS Extension Application
- Advisory Opinion Request form
- Ethics Violation Complaint form

www.SuffolkCountyNY.Gov/Ethics

1. COUNTY FINANCIAL DISCLOSURE STATEMENT

SUFFOLK COUNTY CODE §77-10 PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENT

B. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has declared his or her intention to seek nomination or election and who has filed a petition for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement on or before the last day for filing his or her designating petitions.

C. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has been designated to fill a vacancy in a designation or nomination for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement within 15 days after a certificate designating such person to fill such vacancy is filed with the Board of Elections.

2. TRAINING

SUFFOLK COUNTY ADMINISTRATIVE CODE §A30-2 TRAINING AND EDUCATION

1. All elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office.
- All County employees appointed by elected officials, including department heads and division heads, shall receive mandatory ethics training at the first available training seminar conducted after the effective date of their appointment.

3. ELECTED OFFICIAL PROHIBITION

SUFFOLK COUNTY CODE §77-4 PROHIBITION ON DUAL OFFICE-HOLDING; OTHER PROVISIONS RELATING TO POLITICAL PARTY OFFICIALS

B. No elected official shall hold another paid position of employment with the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law. This provision shall not apply to an elected official who also holds a position as a teacher in a public school district or a professor at a public university or college.

4. PUBLIC SERVANT PROHIBITIONS

SUFFOLK COUNTY CODE §77-3 PROHIBITED CONDUCT

E. No public servant shall solicit or accept any gift having a value of \$75 or more from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.

F. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action.

G. No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist.

5. CANDIDATE/ ELECTED OFFICIAL PROHIBITION

SUFFOLK COUNTY CHARTER ARTICLE XXXIX §C39-2 PROHIBITION ON CONTRIBUTIONS

A. No elected official or candidate for such office of an elected official shall knowingly accept any contribution, via independent committee or otherwise, from any lobbyist.

6. CANDIDATE'S SWORN STATEMENT

SUFFOLK COUNTY CHARTER ARTICLE XXXIX §C39-3 FILING

A. Elected officials, candidates for such office of an elected official and lobbyists shall file semiannual statements with the Commission no later than May 31 and October 31 of each year, on forms prescribed by the Commission, stating that no contributions have been knowingly accepted or knowingly made, as the case may be, in violation of § C39-2 of this article, except that a candidate for office shall only have to file this report in his or her capacity as a candidate for such office during the year in which he or she runs as a candidate.

§C39-4 PENALTIES FOR OFFENSES

A. Any person who fails to file a statement required to be filed by § C39-3 of this article or the rules or regulations of the Commission in implementation thereof shall be subject to a **civil penalty, not in excess of \$1,000**, to be recoverable in a civil proceeding brought by the Commission.

**New York State Attorney General
Barbara D. Underwood**

Dear New Yorkers,



Local government is most effective when its citizens are confident that their elected officials are doing the right thing. Enacting an ethics code and creating a process to review ethics complaints are an important first step that all local governments should take.

It is the responsibility of any government to do all it can to earn the public's trust. This brochure discusses New York State's ethics regulations and what local governments can do to establish their own code of conduct and review process. If you have any questions or would like to know more about how my office can help, please don't hesitate to contact the regional office closest to you.

Sincerely,

Barbara D. Underwood

Barbara D. Underwood



OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL
www.ag.ny.gov
The Capitol, Albany, NY 12224
518-776-2000

Regional Offices

Albany	518-776-2000
Binghamton	607-251-2770
Brooklyn	718-560-2040
Buffalo	716-853-8400
Harlem	212-364-6010
Nassau	516-248-3302
New York City	212-416-8000
Plattsburgh	518-562-3282
Poughkeepsie	845-485-3900
Rochester	585-546-7430
Syracuse	315-448-4800
Suffolk	631-231-2424
Utica	315-864-2000
Watertown	315-523-6080
Westchester	914-422-8755

**Local Ethics Codes
GET IT IN WRITING**



New York State
Attorney General
Barbara D. Underwood

Ethics Laws: An Overview

Ethics laws provide guidance and standards for the conduct of elected public officials and employees. New York State law (General Municipal Law § 806(1)(a)) requires that the governing body for each county, city, town and village adopt an ethics code setting forth the standard of conduct that is expected of its municipal officers and employees. The standards that ethics codes must provide include:

- disclosure of interest in legislation before the local governing body;
- holding of investments in conflict with official duties;
- private employment in conflict with official duties;
- future employment.

The ethics codes are not limited to these items and may include other standards of conduct.

Ethics Boards

Another section of law (General Municipal Law §§ 808(1) and 808(3)) authorizes the governing body of any county, city, town or village to establish a Board of Ethics.

Ethics Boards can serve several functions. They can render advisory opinions to municipalities concerning conflicts of interests and to the code of ethics adopted by the municipality. A board may also make recommendations on drafting and adopting a code of ethics or amendments to the code, upon the request of the municipality's governing body.

Furthermore, New York State law provides for local conflict of interest issues to be resolved through local ethics boards. Through enactment of a local law, a local government may grant to its board of ethics the authority to receive complaints alleging violations of ethics regulations, to investigate these complaints, and to conduct investigations on its own initiative as to whether violations of ethics standards have occurred. The Board may be given enforcement authority and the local law may provide for administering penalties.

How an Ethics Board Gets Created

Ethics Boards may be established by the governing body of any county, city, town or village by local law, ordinance or resolution.

County ethics boards must consist of at least three members. The majority of the members may not be officers or employees of the county or of any municipality wholly or par-

tially located in the county. At least one member must be an elected or appointed officer or employee of the county or municipality located within the county. Board members are not compensated for their services.

Ethics boards for any other municipality (other than a county) must consist of at least three members, a majority of whom are not otherwise officers or employees of the municipality. The board must include at least one member who is an elected or appointed municipal officer or employee.

County boards of ethics may not act with regard to officers and employees of any municipality within the county if the municipality has established its own board of ethics, unless the local board refers a matter to the county.

The Office of the Attorney General

The Office of the New York State Attorney General has made public integrity a priority. The Taxpayer Protection Bureau investigates fraud committed against New York State or New York local governments. Public integrity officers in our regional offices can assist municipalities by answering questions and by providing samples of local laws enacting ethics codes and ethics boards. You will find contact information for regional and executive offices on the back of this brochure.



Suffolk County Charter

Article XXX. Board of Ethics



"The Board shall have the authority and responsibility to: (1) Provide ethics training and education to Suffolk County's public servants..."
Suffolk County Charter §C30-3 (A)

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.



Suffolk County Board of Ethics

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Phone: 631.854.0022
Fax: 631.854.0028**

**EthicsBoard@SuffolkCountyNY.Gov
www.SuffolkCountyNY.Gov**



Suffolk County Board of Ethics



What is the Board of Ethics?

Suffolk County Charter Article XXX. Board of Ethics

§ C30-1. Board of Ethics Established.

There is hereby established a Board of Ethics.

§ C30-2. Membership of the Board.

A. The Board of Ethics shall consist of five members. Two members will be appointed by the County Executive. The Presiding Officer, Majority Leader and Minority Leader of the Suffolk County Legislature will each appoint one member. The appointment of all members will be subject to approval by

Phone: 631.854.0022

What is the Board of Ethics?



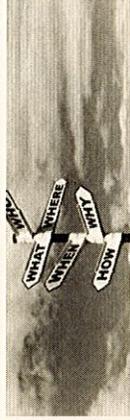
Continued...

C. The County Legislature. The Board shall elect one of its members to serve as Chairperson.

B. No more than three members of the Board shall belong to the same political party. No person, while serving as a member of the Board, shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office, appear as a lobbyist before the County or make a contribution to any County elected official or candidate for County office.

C. The two members appointed to the Board by the County Executive shall be appointed to initial terms of two years; the members appointed by the Majority Leader and the Minority Leader shall be appointed for initial terms of three years; the member appointed by the Presiding Officer shall be appointed for an initial term of four years. Thereafter, all members will be appointed for terms of four years.

D. Any vacancy occurring on the Board other than by expiration of a term shall be filled by nomination of a successor by the appropriate appointing authority within 60 days of the creation of the vacancy. The County Legislature shall act on such nomination within 60 days of an appointment resolution being laid on the table for consideration.



E. Three members of the Board shall constitute a quorum and the Board shall have the power to act by a majority vote of the entire membership of the Board except as otherwise provided by this article.

F. Members shall receive compensation of \$200 for each Board meeting they attend; such compensation shall not exceed \$4,800 per year. The Board shall meet at least once per month.

Suffolk County Charter Article XXX. Board of Ethics

§ C30-3. Power and Responsibilities.

A. The Board shall have the authority and responsibility to:

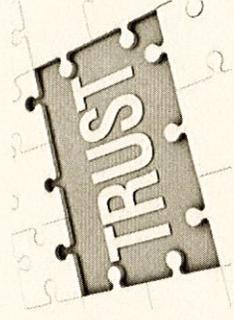
(1) Provide ethics training and education to Suffolk County's public servants;

(2) Render advisory opinions to Suffolk County's public servants on ethics and conflict of interest issues;

(3) Make financial disclosure statement forms available to persons required to file pursuant to Chapter 77, Part 1, Article II, 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.

B. The Board shall promulgate rules as are necessary to implement the provisions of Chapter 77, Part I, of the Suffolk County Code and to govern its procedures. Such rules shall be made publicly available and posted on the County's website.



**SUFFOLK COUNTY CODE § 77-6.
POST-EMPLOYMENT RESTRICTIONS
(ELECTED OFFICIALS)**

1. **No elected official** shall appear before any agency in the branch of County government served by such elected official within a period of two years after such official's separation from County service. For the purposes of this section, the executive branch consists of all agencies of the County, except the County Legislature. This prohibition shall not apply to a former elected official who appears before a County agency on behalf of another governmental entity as an elected representative or employee.
2. **No elected official** may resign prior to the completion of his or her term of office and be employed by the County in any other position for a period of two years after his or her resignation.
3. **No elected official** may resign prior to the completion of his or her term of office and be employed with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after his or her resignation.
4. **No elected official** whose term of office has expired may accept employment with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after the expiration of his or her term.

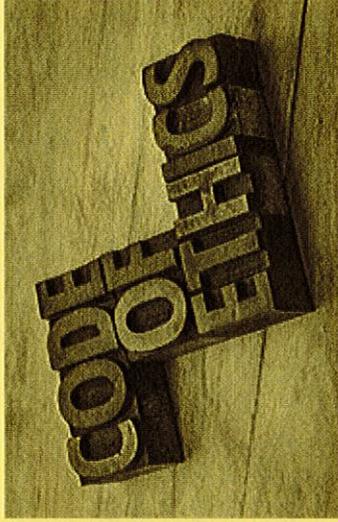


**SUFFOLK COUNTY ADMIN. CODE §A30-2.
TRAINING AND EDUCATION.**

1. **All elected officials** shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office.
2. All County employees **appointed by elected officials**, including department heads and division heads, shall receive mandatory ethics training at the first available training seminar conducted after the effective date of their appointment.

Mission Statement

The Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through Training, Transparency, and Trust



2019

**Quick Reference
For Elected Officials**

MAY 15

County Financial Disclosure
Statement Annual Filing Due

MAY 31

County Elected Official's
Sworn Statement Semiannual
Filing Due

OCT 31

County Elected Official's
Sworn Statement Semiannual
Filing Due

Suffolk County Board of Ethics
Office: (631) 854-0022
Fax: (631) 854-0028

EthicsBoard@SuffolkCountyNY.Gov

STATEMENTS AND FORMS ON BOARD'S

WEBPAGE INCLUDE:

- Elected Official's Sworn Statement
- Recusal Statement
- Official Addendum to Financial Disclosure Statement ("FDS")
- FDS Extension Application
- Advisory Opinion Request form
- Ethics Violation Complaint form

[www.SuffolkCountyNY.Gov/Government/
SuffolkCountyBoardofEthics](http://www.SuffolkCountyNY.Gov/Government/SuffolkCountyBoardofEthics)



Quick Reference for Elected Officials

1. NYC COIB ADVISORY OPINION No. 2016-1 GIFT OF TRAVEL: ITINERARY WITH GOVERNMENT AND POLITICAL ACTIVITIES

SUMMARY: “The Conflicts of Interest Board (the “Board”) received a request for advice from an elected official asking whether, consistent with Chapter 68 of the City Charter, the City’s conflicts of interest law, the elected official may accept as a “gift to the City.” The Board advised the instant elected official, when an elected official takes a trip that includes both governmental and political activities, the elected official may not accept payment from a third party for that portion of the trip devoted to political activity.”

2. SUFFOLK COUNTY BOARD OF ETHICS ADVISORY OPINION No. AO-2013-11 NOT FOR PROFIT TICKETS AND DOOR PRIZES

SUMMARY: *It would not violate* the Suffolk County Code of Ethics for a Legislator to accept a complimentary ticket to a dinner for a local not-for-profit hospital, fundraiser, or fire department installation to represent Legislative office because attendance at such events is a permissible exemption under the Suffolk County Ethics Law. **HOWEVER** the Board concluded that the Legislator may not accept any gifts, door prizes, raffle prizes, or auction prizes while in attendance at such events. The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, §77-3(c), §77-3(e), §77-3(f), and §77-5(g).

3. SUFFOLK COUNTY CODE § 77-2 (B) “No County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County.”

Please view additional Suffolk County Elected Official Advisory Opinions on conflicts of interest topics including travel, recusals, gifting, and more on the SCBE webpage.

4. NYC ADVISORY OPINION No. 2007-4 OUTSIDE FINANCIAL INTERESTS

Mayor Michael R. Bloomberg requested an opinion from the Conflicts of Interest Board concerning the application of the conflicts of interest provisions of Chapter 68 of the City Charter to an impending change in his outside financial interests.

SUMMARY: “So long as Michael R. Bloomberg is Mayor, 1) The proposed investments by Mr. Bloomberg and by the Foundation in a wide variety of financial instruments will not violate Chapter 68, provided that it is the investment firm or firms (“Investorco[s]”) assisting him with these investments that choose and retain the Managers who will make the specific investments; Mr. Bloomberg’s communications with the Investorco[s] are limited to decisions about the allocation of investments among broad classes or sectors, the performance of the categories of investments, and the performance of the Managers; and Mr. Bloomberg does not know either the identities of the Managers or the specific investments they make on his behalf and on behalf of the Foundation. Mr. Bloomberg may make decisions on whether to retain particular Managers - again, provided that he does so based on their performance, without knowing their identities. 2) In response to the Board’s concern that Mr. Bloomberg may be considered to have a “financial relationship” with, and therefore may be “associated” within the meaning of Charter Section 2601(5) with, the financial institutions that are involved in financing the distributions to Mr. Bloomberg from Bloomberg L.P. or its affiliates, Mr. Bloomberg has agreed to recuse himself in his official capacity from all matters involving those financial institutions. 3) Mr. Bloomberg must recuse himself in his official capacity from all matters involving each Investorco, whose identity[ies] he will report to the Board upon their selection and which shall be made a matter of public record. 4) Mr. Bloomberg must provide the Board with copies of his written agreement with each Investorco, which will set forth, *inter alia*, the above provisions”.

5. SUFFOLK COUNTY BOARD OF ETHICS ADVISORY OPINION No. AO-2013-9 GIFT OF TRAVEL

SUMMARY: The Suffolk County Board of Ethics received a request from a Suffolk County Legislator and based on the facts presented concluded that it would violate §77-3(c) and §77-3(f) for a County Legislator to accept the gift of travel from not for profit Foundation to Mexico.

6. SUFFOLK COUNTY BOARD OF ETHICS ADVISORY OPINION No. 2013-14 OUTSIDE POSITIONS AND USE OF TITLE

The Suffolk County Board of Ethics received a request from a Suffolk County Legislator and based on the facts presented concluded it would be impermissible under §77-3(B) for a County Legislator to serve as the Chair of a Board of Directors for a not-for-profit foundation which will be requesting legislation from Suffolk County for donation of land. The Board also finds that it would be a direct conflict of interest for an Elected Official’s title to appear in solicitations for fundraising events.

Suffolk County Code § 77-5. PROHIBITED CONDUCT EXEMPTIONS (ELECTED OFFICIALS)

This article shall not prohibit:

1. **An elected official** from appearing without compensation before any County agency on behalf of constituents in the performance of his or her public duties and responsibilities.
2. **An elected official** from proposing or voting on a measure that will provide a benefit to the elected official, if the benefit will be available to County residents generally or to a substantial class of residents to which the public servant belongs.
3. **An elected official** from accepting an invitation to, and attending and participating in, an event sponsored by a community group or organization.

EXHIBIT F



Educational Materials



"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."

Quick Reference

- [SCBE Quick Reference Guide Suffolk County Financial Disclosure Statements](#)
- [Quick Reference Dates for Elected Officials](#)

Advisory Opinion Index

- [Board of Ethics Advisory Opinions](#)

Forms

- [15 Day Public Servant Disclosure and Request for Board Order](#)
- [Advisory Opinion Request Form - ERAQ-2016](#)
- [RRD A30-5\(B\) Public Servant Request](#)
- [RRD A30-5\(B\) Supervisory Official Request Form](#)
- [2020 Annual County Financial Disclosure Statement - Coming soon](#)

Pamphlets

- [§77-3, Prohibited Conduct](#)
- [§77-6, Post-Employment Restrictions](#)
- [§77-7, Recusal and Disclosure](#)
- [§77-10, Persons Required to File Financial Disclosure Statement](#)
- [Article XXX, Board of Ethics](#)
- [Quick Reference for Elected Officials](#)

Supplemental Training Inserts

- [Boards and Commissions Training Insert A](#)
- [Law Enforcement Training Insert A](#)
- [Law Enforcement Training Insert B](#)
- [Recusal Form §77-7](#)

Online Training

- [The Suffolk County Board of Ethics Online Employee Training Program](#)
- [Seminar Training Request Form](#)

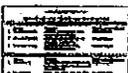
Booklets

- [Code of Ethics Booklet](#)
- [Plain Language Booklet](#)

Newsletters

- [Ten Tips - Conflicts Training Material](#)
- [Newsletter Issue 1](#)
- [Newsletter Issue 2](#)
- [Newsletter Issue 3](#)
- [Newsletter Issue 4](#)

Ethics By Posters Series



[Click here for ordering guide](#)



Advisory Opinions Poster #1



Contract Poster #1



Contract Poster #2



FDS Deadline Reminder Poster



Lobbyist No Gift Poster



Contract Poster #3



Post Employment Poster



2019 SCBE Gift Reminder

Admin Login



Suffolk County Board of Ethics Online Employee Training Program

[Home \(Default.aspx\)](#) [Employee Logon \(Logon.aspx\)](#) [Contact Us \(ContactUs.aspx\)](#)

Employee Online Training Instructions

Welcome to the Suffolk County Board of Ethics Online Employee Training Program.

- 1) Logon by entering your last name, first name, and employee number (this number is at the upper right corner of your County paystub.)
- 2) Select a training.
- 3) Training completion is recorded and saved in the Suffolk County Employee Training Database after you correctly answer the true/false statements in the corresponding Quiz.
- 4) When you are ready to log on, click on the Employee Logon button at the top of this screen.

IMPORTANT Please note: The Training presentation and Quiz must be completed in one session to avoid program reset.

Please contact the Suffolk County Board of Ethics at 631-864-0022 for additional training options.

Required Financial Disclosure Statement Filers
Click Here for Financial Disclosure Statement Exhibit "A" Replacement Form
Click Here for SC Code §77-7 "Recusal and Disclosure" Form

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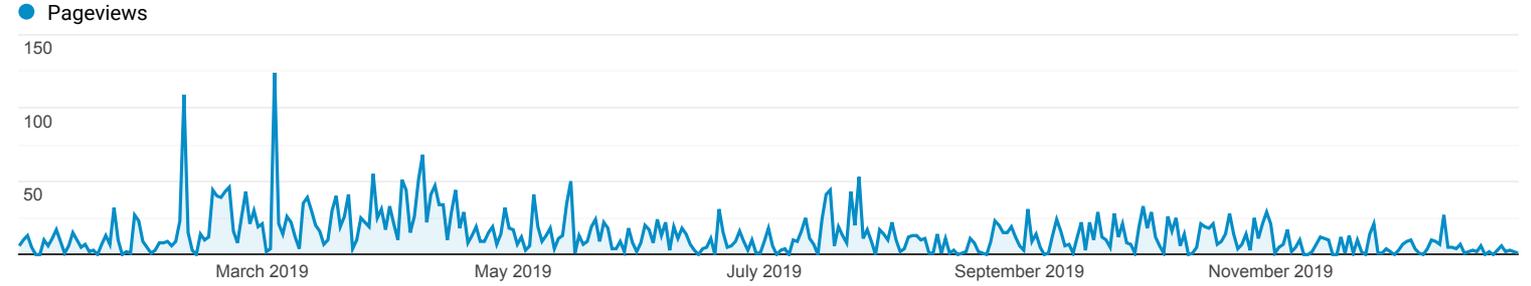
EXHIBIT G

Pages

All Users
100.00% Pageviews

Jan 1, 2019 - Dec 31, 2019

Explorer



This data was filtered with the following filter expression: **ethics**

Page	Pageviews	Unique Pageviews	Avg. Time on Page	Entrances	Bounce Rate	% Exit	Page Value
	5,063 % of Total: 0.08% (6,540,865)	3,970 % of Total: 0.08% (5,038,144)	00:01:24 Avg for View: 00:01:21 (3.77%)	2,202 % of Total: 0.09% (2,585,707)	58.34% Avg for View: 56.57% (3.13%)	43.10% Avg for View: 39.53% (9.02%)	\$0.00 % of Total: 0.00% (\$0.00)
1. /agencies/ethics	1,040 (20.54%)	837 (21.08%)	00:01:28	578 (26.25%)	50.87%	41.63%	\$0.00 (0.00%)
2. /Agencies/Board-of-Ethics/Suffolk-County-Administrative-Code-Article-XXX	744 (14.69%)	545 (13.73%)	00:00:56	478 (21.71%)	65.06%	59.41%	\$0.00 (0.00%)
3. /agencies/ethics/Contacts	348 (6.87%)	276 (6.95%)	00:01:29	246 (11.17%)	43.90%	43.39%	\$0.00 (0.00%)
4. /Agencies/Board-of-Ethics/Suffolk-County-Charter-Article-XXX	314 (6.20%)	243 (6.12%)	00:00:43	158 (7.18%)	65.19%	49.36%	\$0.00 (0.00%)
5. /Agencies/Board-of-Ethics/Forms-and-Procedures	307 (6.06%)	209 (5.26%)	00:01:10	61 (2.77%)	52.46%	33.55%	\$0.00 (0.00%)
6. /Agencies/Board-of-Ethics/Contacts	191 (3.77%)	157 (3.95%)	00:01:20	36 (1.63%)	88.89%	51.31%	\$0.00 (0.00%)
7. /Agencies/Board-of-Ethics/Advisory-Opinions	188 (3.71%)	145 (3.65%)	00:03:18	24 (1.09%)	79.17%	41.49%	\$0.00 (0.00%)
8. /Agencies/Board-of-Ethics/Request-Board-of-Ethics-Records	146 (2.88%)	115 (2.90%)	00:01:32	23 (1.04%)	65.22%	30.82%	\$0.00 (0.00%)
9. /Agencies/Board-of-Ethics/Suffolk-County-Code-Chapter-77	146 (2.88%)	109 (2.75%)	00:02:44	40 (1.82%)	70.00%	42.47%	\$0.00 (0.00%)
10. /Agencies/Board-of-Ethics/Agendas-Minutes	145 (2.86%)	119 (3.00%)	00:01:40	25 (1.14%)	68.00%	44.83%	\$0.00 (0.00%)
11. /Agencies/Board-of-Ethics/Sworn-Statements	112 (2.21%)	90 (2.27%)	00:00:51	33 (1.50%)	72.73%	39.29%	\$0.00 (0.00%)
12. /Agencies/Board-of-Ethics/Educational-Materials	98 (1.94%)	80 (2.02%)	00:03:37	7 (0.32%)	71.43%	31.63%	\$0.00 (0.00%)
13. /agencies/ethics/BoardUpdates	96 (1.90%)	76 (1.91%)	00:01:38	57 (2.59%)	45.61%	41.67%	\$0.00 (0.00%)
14. /agencies/ethics/RequestBoardofEthicsRecords	78 (1.54%)	61 (1.54%)	00:01:52	48 (2.18%)	65.96%	51.28%	\$0.00 (0.00%)
15. /agencies/ethics/SuffolkCountyCodeChapter77	63 (1.24%)	62 (1.56%)	00:02:32	59 (2.68%)	72.88%	73.02%	\$0.00 (0.00%)
16. /government/suffolkcountyboardofethics.aspx	62 (1.22%)	53 (1.34%)	00:01:18	43 (1.95%)	60.47%	53.23%	\$0.00 (0.00%)
17. /Government/SuffolkCountyBoardofEthics.aspx	57 (1.13%)	48 (1.21%)	00:02:17	31 (1.41%)	61.29%	43.86%	\$0.00 (0.00%)
18. /Agencies/Board-of-Ethics/Board-Updates	52 (1.03%)	40 (1.01%)	00:01:15	1 (0.05%)	100.00%	23.08%	\$0.00 (0.00%)
19. /Government/SuffolkCountyBoardofEthics/SuffolkCountyAdministrativeCodeArticleXXX.aspx	51 (1.01%)	36 (0.91%)	00:01:49	22 (1.00%)	68.18%	43.14%	\$0.00 (0.00%)
20. /Government/SuffolkCountyBoardofEthics/SuffolkCountyCodeChapter77.aspx	39 (0.77%)	27 (0.68%)	00:01:11	20 (0.91%)	60.00%	46.15%	\$0.00 (0.00%)

		37 (0.77%)	30 (0.76%)	00:02:49	23 (1.04%)	43.48%	43.24%	\$0.00 (0.00%)
21.	/agencies/ethics/SuffolkCountyCharterArticleXXX							
22.	/Elected-Officials/suffolkcountyboardofethics	36 (0.71%)	20 (0.50%)	00:01:16	16 (0.73%)	12.50%	11.11%	\$0.00 (0.00%)
23.	/Events/category/board-of-ethics	35 (0.69%)	20 (0.50%)	00:00:20	1 (0.05%)	0.00%	2.86%	\$0.00 (0.00%)
24.	/News/category/board-of-ethics	29 (0.57%)	19 (0.48%)	00:00:31	12 (0.54%)	41.67%	37.93%	\$0.00 (0.00%)
25.	/Results-from-Search?q=Ethics	26 (0.51%)	24 (0.60%)	<00:00:01	4 (0.18%)	25.00%	3.85%	\$0.00 (0.00%)
26.	/Results-from-Search?q=Ethics&q=Ethics	26 (0.51%)	24 (0.60%)	00:00:07	0 (0.00%)	0.00%	61.54%	\$0.00 (0.00%)
27.	/agencies/ethics/pager/952/page/2	25 (0.49%)	21 (0.53%)	00:02:31	6 (0.27%)	83.33%	24.00%	\$0.00 (0.00%)
28.	/Government/SuffolkCountyBoardofEthics/FormsandProcedures.aspx	25 (0.49%)	21 (0.53%)	00:01:18	4 (0.18%)	75.00%	36.00%	\$0.00 (0.00%)
29.	/Government/SuffolkCountyBoardofEthics/AdvisoryOpinions.aspx	22 (0.43%)	17 (0.43%)	00:02:22	5 (0.23%)	60.00%	31.82%	\$0.00 (0.00%)
30.	/Government/SuffolkCountyBoardofEthics/Contacts.aspx	22 (0.43%)	18 (0.45%)	00:00:47	10 (0.45%)	90.00%	54.55%	\$0.00 (0.00%)
31.	/agencies/ethics/SuffolkCountyAdministrativeCodeArticleXXX	21 (0.41%)	15 (0.38%)	00:01:47	12 (0.54%)	75.00%	57.14%	\$0.00 (0.00%)
32.	/agencies/ethics/SwornStatements	21 (0.41%)	18 (0.45%)	00:01:22	18 (0.82%)	77.78%	71.43%	\$0.00 (0.00%)
33.	/Agencies/Board-of-Ethics/Former-Board-Members	18 (0.36%)	16 (0.40%)	00:00:12	0 (0.00%)	0.00%	27.78%	\$0.00 (0.00%)
34.	/Government/SuffolkCountyBoardofEthics/RequestBoardofEthicsRecords.aspx	18 (0.36%)	17 (0.43%)	00:02:19	7 (0.32%)	42.86%	50.00%	\$0.00 (0.00%)
35.	/Government/SuffolkCountyBoardofEthics/SuffolkCountyCharterArticleXXX.aspx	16 (0.32%)	14 (0.35%)	00:01:40	9 (0.41%)	77.78%	56.25%	\$0.00 (0.00%)
36.	/Results-from-Search?q=board of ethics	14 (0.28%)	11 (0.28%)	<00:00:01	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
37.	/Results-from-Search?q=board of ethics&q=board of ethics	14 (0.28%)	11 (0.28%)	00:00:07	0 (0.00%)	0.00%	50.00%	\$0.00 (0.00%)
38.	/agencies/ethics/pager/953/page/3	13 (0.26%)	9 (0.23%)	00:01:58	3 (0.14%)	66.67%	23.08%	\$0.00 (0.00%)
39.	/agencies/ethics/AdvisoryOpinions	12 (0.24%)	10 (0.25%)	00:00:33	10 (0.45%)	90.00%	83.33%	\$0.00 (0.00%)
40.	/agencies/ethics/AgendasMinutes	12 (0.24%)	12 (0.30%)	00:00:25	5 (0.23%)	100.00%	58.33%	\$0.00 (0.00%)
41.	/agencies/ethics/pager/1032/page/7	11 (0.22%)	7 (0.18%)	00:02:10	3 (0.14%)	66.67%	27.27%	\$0.00 (0.00%)
42.	/agencies/ethics/pager/951/page/1	11 (0.22%)	8 (0.20%)	00:00:41	2 (0.09%)	100.00%	27.27%	\$0.00 (0.00%)
43.	/Elected-Officials/SuffolkCountyBoardofEthics/SuffolkCountyCodeChapter77	11 (0.22%)	9 (0.23%)	00:00:25	7 (0.32%)	71.43%	54.55%	\$0.00 (0.00%)
44.	/agencies/ethics/pager/955/page/5	10 (0.20%)	7 (0.18%)	00:00:24	2 (0.09%)	50.00%	20.00%	\$0.00 (0.00%)
45.	/agencies/ethics/pager/1031/page/6	9 (0.18%)	6 (0.15%)	00:00:25	1 (0.05%)	100.00%	11.11%	\$0.00 (0.00%)
46.	/Government/SuffolkCountyBoardofEthics/CandidatesandChairpersons.aspx	9 (0.18%)	5 (0.13%)	00:00:32	1 (0.05%)	0.00%	11.11%	\$0.00 (0.00%)
47.	/Government/SuffolkCountyBoardofEthics/EducationalMaterials.aspx	9 (0.18%)	7 (0.18%)	00:02:11	1 (0.05%)	0.00%	33.33%	\$0.00 (0.00%)
48.	/Results-from-Search?q=ethics	9 (0.18%)	8 (0.20%)	<00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
49.	/Results-from-Search?q=ethics&q=ethics	9 (0.18%)	8 (0.20%)	00:00:09	0 (0.00%)	0.00%	33.33%	\$0.00 (0.00%)
50.	/agencies/ethics/EducationalMaterials	8 (0.16%)	7 (0.18%)	00:00:46	6 (0.27%)	16.67%	12.50%	\$0.00 (0.00%)
51.	/agencies/ethics/pager/954/page/4	8 (0.16%)	5 (0.13%)	00:00:26	1 (0.05%)	100.00%	12.50%	\$0.00 (0.00%)
52.	/Government/SuffolkCountyBoardofEthics/AgendasMinutes.aspx	8 (0.16%)	7 (0.18%)	00:03:17	2 (0.09%)	0.00%	37.50%	\$0.00 (0.00%)
53.	/agencies/ethics/CandidatesandChairpersons	7 (0.14%)	7 (0.18%)	00:00:40	6 (0.27%)	66.67%	57.14%	\$0.00 (0.00%)
54.	/Government/SuffolkCountyBoardofEthics/BoardUpdates/tabid/3204/ctl/detail/s/itemid/7235/mid/6559/2018-financial-disclosure-statement-filers-list.aspx	7 (0.14%)	5 (0.13%)	00:01:26	4 (0.18%)	25.00%	42.86%	\$0.00 (0.00%)
55.	/Government/SuffolkCountyBoardofEthics/SwornStatements.aspx	7 (0.14%)	6 (0.15%)	00:00:50	2 (0.09%)	100.00%	28.57%	\$0.00 (0.00%)

56.	/Results-from-Search?q=code of ethics	7 (0.14%)	7 (0.18%)	<00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
57.	/agencies/ethics/author/lauren-desena	6 (0.12%)	3 (0.08%)	00:00:30	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
58.	/Results-from-Search?q=code of ethics&q=code of ethics	6 (0.12%)	6 (0.15%)	00:00:30	0 (0.00%)	0.00%	16.67%	\$0.00 (0.00%)
59.	/Events/category/board-of-ethics/pager/1550/page/4	5 (0.10%)	5 (0.13%)	00:00:21	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
60.	/Government/SuffolkCountyBoardofEthics/BoardUpdates.aspx	5 (0.10%)	4 (0.10%)	00:00:34	0 (0.00%)	0.00%	20.00%	\$0.00 (0.00%)
61.	/Results-from-Search?q=Board of ethics	5 (0.10%)	5 (0.13%)	00:00:00	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
62.	/Results-from-Search?q=Board of ethics&q=Board of ethics	5 (0.10%)	5 (0.13%)	00:00:50	0 (0.00%)	0.00%	60.00%	\$0.00 (0.00%)
63.	/Results-from-Search?q=ethics training	5 (0.10%)	4 (0.10%)	<00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
64.	/agencies/ethics/FormsandProcedures	4 (0.08%)	4 (0.10%)	00:01:31	3 (0.14%)	33.33%	50.00%	\$0.00 (0.00%)
65.	/Elected-Officials/SuffolkCountyBoardofEthics	4 (0.08%)	4 (0.10%)	00:00:00	4 (0.18%)	100.00%	100.00%	\$0.00 (0.00%)
66.	/Events/category/board-of-ethics/pager/1548/page/2	4 (0.08%)	4 (0.10%)	00:00:24	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
67.	/Events/category/board-of-ethics/pager/1549/page/3	4 (0.08%)	4 (0.10%)	00:00:24	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
68.	/Events/tag/ethics	4 (0.08%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
69.	/Results-from-Search?q=ethics training&q=ethics training	4 (0.08%)	3 (0.08%)	00:00:09	0 (0.00%)	0.00%	25.00%	\$0.00 (0.00%)
70.	/Elected-Officials/SuffolkCountyBoardofEthics/SuffolkCountyCharterArticleXXX	3 (0.06%)	3 (0.08%)	00:00:19	3 (0.14%)	33.33%	33.33%	\$0.00 (0.00%)
71.	/Events/category/board-of-ethics/pager/1547/page/1	3 (0.06%)	3 (0.08%)	00:00:30	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
72.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636850422000000000/eventid/2162/Default.aspx	3 (0.06%)	2 (0.05%)	00:03:30	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
73.	/Results-from-Search?q=Code of Ethics	3 (0.06%)	3 (0.08%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
74.	/Results-from-Search?q=Code of Ethics&q=Code of Ethics	3 (0.06%)	3 (0.08%)	00:00:04	0 (0.00%)	0.00%	33.33%	\$0.00 (0.00%)
75.	/Search-Results?q=board of ethics suffolk county	3 (0.06%)	1 (0.03%)	00:03:21	1 (0.05%)	0.00%	33.33%	\$0.00 (0.00%)
76.	/agencies/ethics&kp=1	2 (0.04%)	2 (0.05%)	00:00:00	2 (0.09%)	100.00%	100.00%	\$0.00 (0.00%)
77.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636832278000000000/eventid/2161/Default.aspx	2 (0.04%)	2 (0.05%)	00:00:58	0 (0.00%)	0.00%	50.00%	\$0.00 (0.00%)
78.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/637056054000000000/eventid/2178/Default.aspx	2 (0.04%)	1 (0.03%)	00:00:43	1 (0.05%)	0.00%	50.00%	\$0.00 (0.00%)
79.	/Results-from-Search?q=ethics attestation&q=ethics attestation	2 (0.04%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
80.	/Results-from-Search?q=ethics booklet	2 (0.04%)	2 (0.05%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
81.	/Results-from-Search?q=ethics booklet&q=ethics booklet	2 (0.04%)	2 (0.05%)	00:00:24	0 (0.00%)	0.00%	50.00%	\$0.00 (0.00%)
82.	/Results-from-Search?q=ethics policy	2 (0.04%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
83.	/Results-from-Search?q=ethics policy&q=ethics policy	2 (0.04%)	1 (0.03%)	00:00:17	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
84.	/SearchResults.aspx?q=board of ethics suffolk county	2 (0.04%)	2 (0.05%)	00:00:00	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
85.	/SearchResults.aspx?q=board of ethics suffolk county&q=board of ethics suffolk county	2 (0.04%)	2 (0.05%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
86.	/SearchResults.aspx?q=code of ethics	2 (0.04%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
87.	/SearchResults.aspx?q=code of ethics&q=code of ethics	2 (0.04%)	1 (0.03%)	00:01:25	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
88.	/404error.aspx?aspxerrorpath=/Portals/0/Boardofethics/Code of Ethics Booklet -%New Revised May 2017.pdf	1 (0.02%)	1 (0.03%)	00:03:35	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
89.	/agencies/ethics?fbclid=IwAR2iNPUaccC7T16F9SI209WXWFWlvT6Ailam-yMG3PHa-KC9upga6CazUS4	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
90.	/agencies/ethics/author/lauren-desena/pager/21560/page/1	1 (0.02%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)

91.	/agencies/ethics/author/lauren-desena/pager/21561/page/2	1 (0.02%)	1 (0.03%)	00:00:30	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
92.	/agencies/ethics/author/lauren-desena/pager/21562/page/3	1 (0.02%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
93.	/agencies/ethics/author/lauren-desena/pager/21563/page/4	1 (0.02%)	1 (0.03%)	00:00:35	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
94.	/agencies/ethics/author/lauren-desena/pager/21564/page/5	1 (0.02%)	1 (0.03%)	00:00:29	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
95.	/agencies/ethics/author/lauren-desena/pager/21565/page/6	1 (0.02%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
96.	/agencies/ethics/author/lauren-desena/pager/21566/page/7	1 (0.02%)	1 (0.03%)	00:00:32	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
97.	/agencies/ethics/author/lauren-desena/pager/21567/page/8	1 (0.02%)	1 (0.03%)	00:00:32	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
98.	/agencies/ethics/BoardUpdates/ct/details/itemid/7235/mid/6559/2018-financial-disclosure-statement-filers-list	1 (0.02%)	1 (0.03%)	00:00:16	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
99.	/agencies/ethics/Suffolk-County-Administrative-Code-Article-XXXxx	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
100.	/Elected-Officials/SuffolkCountyBoardofEthics	1 (0.02%)	1 (0.03%)	00:00:15	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
101.	/Elected-Officials/SuffolkCountyBoardofEthics/AdvisoryOpinions	1 (0.02%)	1 (0.03%)	00:03:50	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
102.	/Elected-Officials/SuffolkCountyBoardofEthics/BoardUpdates/ct/details/itemid/7235/mid/6559/2018-financial-disclosure-statement-filers-list	1 (0.02%)	1 (0.03%)	00:00:15	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
103.	/Elected-Officials/SuffolkCountyBoardofEthics/CandidatesandChairpersons	1 (0.02%)	1 (0.03%)	00:00:20	1 (0.05%)	0.00%	0.00%	\$0.00 (0.00%)
104.	/Elected-Officials/SuffolkCountyBoardofEthics/FormsandProcedures	1 (0.02%)	1 (0.03%)	00:00:28	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
105.	/Elected-Officials/SuffolkCountyBoardofEthics/RequestBoardofEthicsRecords	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
106.	/Elected-Officials/SuffolkCountyBoardofEthics/SuffolkCountyAdministrativeCodeArticleXXX	1 (0.02%)	1 (0.03%)	00:00:23	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
107.	/Events/category/board-of-ethics-2	1 (0.02%)	1 (0.03%)	00:00:29	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
108.	/Events/category/board-of-ethics/pager/1551/page/5	1 (0.02%)	1 (0.03%)	00:00:30	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
109.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636463350000000000/eventid/1579/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
110.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636862518000000000/eventid/2163/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
111.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636874614000000000/eventid/2164/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
112.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636935094000000000/eventid/2169/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
113.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/636953238000000000/eventid/2170/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
114.	/Government/SuffolkCountyBoardofEthics/tabid/2176/modId/4717/key/EventDetail/start/637086294000000000/eventid/2180/Default.aspx	1 (0.02%)	1 (0.03%)	00:00:27	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
115.	/News/pager/2643/page/1?categoryid=17,17&categoryname=board-of-ethics,board-of-ethics,board-of-ethics	1 (0.02%)	1 (0.03%)	00:00:17	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
116.	/News/pager/2649/page/8?categoryname=board-of-ethics,board-of-ethics,board-of-ethics&categoryid=17,17	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
117.	/News/pager/67476/page/451?categoryid=17,17&categoryname=board-of-ethics,board-of-ethics,board-of-ethics	1 (0.02%)	1 (0.03%)	00:00:04	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
118.	/Results-from-Search?q=2018 board of ethics financial disclosure form	1 (0.02%)	1 (0.03%)	00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
119.	/Results-from-Search?q=2018 board of ethics financial disclosure form&q=2018 board of ethics financial disclosure form	1 (0.02%)	1 (0.03%)	00:00:33	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
120.	/Results-from-Search?q=Board of ethics attestation	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
121.	/Results-from-Search?q=Board of ethics attestation&q=Board of ethics attestation	1 (0.02%)	1 (0.03%)	00:00:25	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
122.	/Results-from-Search?q=Board of ethics booklet	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
123.	/Results-from-Search?q=Board of ethics booklet&q=Board of ethics booklet	1 (0.02%)	1 (0.03%)	00:00:19	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
124.	/Results-from-Search?q=candidate ethics form	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)

125.	/Results-from-Search?q=candidate ethics form&q=candidate ethics form	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
126.	/Results-from-Search?q=code of ethics &q=code of ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
127.	/Results-from-Search?q=code of ethics for early childhood service providers	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
128.	/Results-from-Search?q=code of ethics for early childhood service providers working in the home	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
129.	/Results-from-Search?q=code of ethics for early childhood service providers working in the home&q=code of ethics for early childhood service providers working in the home	1 (0.02%)	1 (0.03%)	00:00:12	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
130.	/Results-from-Search?q=code of ethics for early childhood service providers&q=code of ethics for early childhood service providers	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
131.	/Results-from-Search?q=code of ethics for professionals	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
132.	/Results-from-Search?q=code of ethics for professionals&q=code of ethics for professionals	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
133.	/Results-from-Search?q=code of ethics preschool	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
134.	/Results-from-Search?q=code of ethics preschool&q=code of ethics preschool	1 (0.02%)	1 (0.03%)	00:03:12	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
135.	/Results-from-Search?q=Code of Ethics provisions	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
136.	/Results-from-Search?q=Code of Ethics provisions&q=Code of Ethics provisions	1 (0.02%)	1 (0.03%)	00:00:44	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
137.	/Results-from-Search?q=Code of ethics training atteststion for independent contractors	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
138.	/Results-from-Search?q=Code of ethics training atteststion for independent contractors&q=Code of ethics training attestation for independent contractors	1 (0.02%)	1 (0.03%)	00:00:24	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
139.	/Results-from-Search?q=Code of ethics training atteststion for independent contractors&q=Code of ethics training atteststion for independent contractors	1 (0.02%)	1 (0.03%)	00:00:16	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
140.	/Results-from-Search?q=code of ethics, early childhood provider	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
141.	/Results-from-Search?q=code of ethics, early childhood provider&q=code of ethics, early childhood provider	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
142.	/Results-from-Search?q=ethics attestation	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
143.	/Results-from-Search?q=ethics board	1 (0.02%)	1 (0.03%)	00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
144.	/Results-from-Search?q=ethics board&q=ethics board	1 (0.02%)	1 (0.03%)	00:00:04	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
145.	/Results-from-Search?q=ethics complaint form	1 (0.02%)	1 (0.03%)	00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
146.	/Results-from-Search?q=ethics complaint form&q=ethics complaint form	1 (0.02%)	1 (0.03%)	00:00:09	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
147.	/Results-from-Search?q=ethics conduct for professional	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
148.	/Results-from-Search?q=ethics conduct for professional&q=ethics conduct for professional	1 (0.02%)	1 (0.03%)	00:01:33	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
149.	/Results-from-Search?q=ethics traininf	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
150.	/Results-from-Search?q=ethics traininf&q=ethics traininf	1 (0.02%)	1 (0.03%)	00:00:06	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
151.	/Results-from-Search?q=ethics training &q=ethics training	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
152.	/Results-from-Search?q=ethics training for preschool program	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
153.	/Results-from-Search?q=ethics training for preschool program&q=ethics training for preschool program	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
154.	/Results-from-Search?q=ethics video	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
155.	/Results-from-Search?q=ethics video&q=ethics video	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
156.	/Results-from-Search?q=Legislature ethics	1 (0.02%)	1 (0.03%)	00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
157.	/Results-from-Search?q=Legislature ethics&q=Legislature ethics	1 (0.02%)	1 (0.03%)	00:02:24	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
158.	/Results-from-Search?q=preschool code of ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
159.	/Results-from-Search?q=preschool code of ethics&q=preschool code of ethics	1 (0.02%)	1 (0.03%)	00:00:10	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)

159.	/Results-from-Search?q=preschool code of ethics&q=preschool code of ethics	1 (0.02%)	1 (0.03%)	00:00:40	0 (0.00%)	0.00%	0.00%	0.00%
160.	/Results-from-Search?q=Preschool Program Professionalism and Ethics Preschool Program Related Service Provider Forms Preschool Program Service Provider Information Preschool ...	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
161.	/Results-from-Search?q=Preschool Program Professionalism and Ethics Preschool Program Related Service Provider Forms Preschool Program Service Provider Information Preschool ...&q=Preschool Program Professionalism and Ethics Preschool Program Related Service Provider Forms Preschool Program Service Provider Information Preschool ...	1 (0.02%)	1 (0.03%)	00:00:40	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
162.	/Results-from-Search?q=professional ethics training	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
163.	/Results-from-Search?q=professional ethics training&q=professional ethics training	1 (0.02%)	1 (0.03%)	00:00:13	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
164.	/Results-from-Search?q=sarah anker board of ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
165.	/Results-from-Search?q=sarah anker board of ethics&q=sarah anker board of ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
166.	/Results-from-Search?q=standard operating procedure ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
167.	/Results-from-Search?q=standard operating procedure ethics&q=standard operating procedure ethics	1 (0.02%)	1 (0.03%)	00:00:31	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
168.	/Results-from-Search?q=Suffolk County Ethics Attestation booklet	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
169.	/Results-from-Search?q=Suffolk County Ethics Attestation booklet&q=Suffolk County Ethics Attestation booklet	1 (0.02%)	1 (0.03%)	00:00:09	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
170.	/Results-from-Search?q=suffolk county ethics board	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
171.	/Results-from-Search?q=suffolk county ethics board&q=suffolk county ethics board	1 (0.02%)	1 (0.03%)	00:00:08	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
172.	/Results-from-Search?q=suffolk county ethics booklet	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
173.	/Results-from-Search?q=suffolk county ethics booklet&q=suffolk county ethics booklet	1 (0.02%)	1 (0.03%)	00:00:29	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
174.	/search?q=cache:hQndmw0407AJ:www.suffolkcountyny.gov/government/suffolkcountyboardofethics.aspx+&cd=1&hl=en&ct=clnk&gl=us	1 (0.02%)	1 (0.03%)	00:00:00	1 (0.05%)	100.00%	100.00%	\$0.00 (0.00%)
175.	/SearchResults.aspx?q=ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
176.	/SearchResults.aspx?q=ethics board	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
177.	/SearchResults.aspx?q=ethics board&q=ethics board	1 (0.02%)	1 (0.03%)	00:00:04	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
178.	/SearchResults.aspx?q=ethics training	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
179.	/SearchResults.aspx?q=ethics training&q=ethics training	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
180.	/SearchResults.aspx?q=ethics&q=ethics	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	100.00%	\$0.00 (0.00%)
181.	/SearchResults.aspx?q=Request an ethics investigation	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
182.	/SearchResults.aspx?q=Request an ethics investigation&q=Request an ethics investigation	1 (0.02%)	1 (0.03%)	00:00:03	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
183.	/SearchResults.aspx?q=suffolk county board of ethics	1 (0.02%)	1 (0.03%)	00:00:01	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
184.	/SearchResults.aspx?q=suffolk county board of ethics&q=suffolk county board of ethics	1 (0.02%)	1 (0.03%)	00:00:08	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
185.	/SearchResults.aspx?q=suffolk county ethics booklet	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
186.	/SearchResults.aspx?q=suffolk county ethics booklet&q=suffolk county ethics booklet	1 (0.02%)	1 (0.03%)	00:00:41	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
187.	/SearchResults.aspx?q=suffolk county request board of ethics records	1 (0.02%)	1 (0.03%)	00:00:00	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)
188.	/SearchResults.aspx?q=suffolk county request board of ethics records&q=suffolk county request board of ethics records	1 (0.02%)	1 (0.03%)	00:00:16	0 (0.00%)	0.00%	0.00%	\$0.00 (0.00%)

EXHIBIT H

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of

██████████
In Capacity as a County Employee
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS

Advisory Opinion 2019-10

8/21/2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Board finds under the below facts that the employee's outside employment request **does not create an impermissible conflict** under Suffolk County Code Sections 77-3 (B), 77-3(C), and that the employee and Department are aware of the limitations regarding confidential information under Suffolk County Code 77-3 (D)¹.

The Requestor, a full time Suffolk County Veterans Service Officer, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of her outside employment request working part-time as a Dwyer Program Peer Facilitator. Her County Supervisor, the Director of Veterans Affairs, approved the outside employment and the employee provided the Board with a copy of her departmental submitted outside employment form. The Department Head has advised the Board that there is no remuneration or referral fees associated with the Dwyer Program and that multiple individuals hold the same County job title, therefore proper recusals and assignments can occur at the Department level if necessary. The Department Head has also advised the Board that the existing outside employment approval under County SOP A-15 is in compliance with paragraphs 5 and

¹ 77-3. PROHIBITED CONDUCT.

- B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.
- C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.
- D. No public servant shall disclose any confidential information concerning the property, affairs or government of the County which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use such information to advance any financial or private interest of the public servant or of any person associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

7. In furtherance, the Department Head advised the Board through routine fact-finding that in addition to the Suffolk County Code of Ethics, that the Department complies with the ethical obligations required to maintain their national accreditation by the US Department of Veterans Affairs through the Office of General Counsel of the U.S. Department of Veterans Affairs. The Department Head also advised that in addition to the funding being grant money (and lack of remuneration and referral fees), the outside employment approval at the time of the employee's request included his Supervisory assessment of this employee's specialized background and benefit to the program (including consideration of the high suicide attempt rate of female veterans).

As such, the Board finds based on the facts presented that the stated prospective outside employment does not create an impermissible conflict. The Board further advises based on numerous employees holding the same job title, proper recusals can occur under section 77-7 of the County Code if required. Accordingly, the Board has also provided the Department and employee requestor with a County recusal form should intradepartmental recusals be required for filing with the Department and the County Board of Ethics.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B), 77-3(C), and 77-3(D).

Procedural History: The Board vote occurred within the 45 days of conclusion on fact finding under the Suffolk County Code occurring on 8/21/2019. The Board determined by majority vote that there is not a conflict under the facts presented.

Opinion: The Requestor, a full time Suffolk County Veterans Service Officer, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of her outside employment request as a part-time Dwyer Program Peer Facilitator. Her County Supervisor approved the outside employment and she provided the Board with a copy of her departmental submitted outside employment form. The Requestor's full time County position job duties include her being a veteran advocate in regards to pension and compensation rights and her shift is 8:30am-4:40pm. The outside part-time job is with the Dwyer Project evenings and on weekends, and her Department Head has advised that this is in compliance with Suffolk County SOP A-15 regarding outside employment requests.

As reflected on the public website, the Dwyer Project was, "Launched in 2012 as a pilot partnership between our Suffolk County United Veterans program and the Suffolk County Veterans Service Agency, the Dwyer Project takes a confidential, one-on-one, peer-to-peer approach that has rapidly captured the attention and support of both veterans and mental health professionals statewide and across the nation". The requestor's part-time duties include mentoring, reporting on attendance to support groups, and acting as a point person for facilitating support groups.

The County Veteran's Affairs Department Head has advised the Board that there is no remuneration or referral fees associated with the Dwyer Program and that the nature of services is not duplicative. Additionally, the Department Head advised the Board that they comply with the additional ethical obligations required to maintain their national accreditation by the US Department of Veterans Affairs through the Office of General Counsel of the U.S. Department of Veterans Affairs. In furtherance, the Department advises that the funding of the Dwyer program is pass through grant funds from the New York State Senate to the local Department of Health Services. The Department Head has advised that multiple employees hold this County job title which makes recusals feasible for Departmental operations and functioning. The Department has also advised the Board that the Department and employee are aware and comply with the County prohibitions regarding confidential information under Suffolk County Code section 77-3 (D).

Based upon the above facts and outside employment approval in place with the Department, the Board finds that this stated part-time outside employment does not create for the employee a business dealing, nor is the employee

engaging in a business transaction with the County. The Board finds upon the facts presented by the Requestor and Department Head that there is no conflict with the proper discharge of his or her official duties, proper recusals can occur if required, and defers any appearance of impropriety, should any present, to the Department pursuant to the County dual employment SOP.

CONCLUSION

The Board finds that the stated prospective outside employment does not create an impermissible conflict.

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: 8.21.2019 Great River, New York



Eric A. Kopp – Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of

██████████ in capacity as a
Suffolk County Department Head

-----X
STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-01
March 6, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: This is a Department head requested advisory opinion regarding the County ethics laws applying to a proposed contract award and a former employee of the Department. Here, the Board concludes that it is a conflict of interest for a business owned by an "associated person" as defined by the Suffolk County Code of Ethics to be awarded a County contract (RFP #13355915) because the owner is related to the former County employee whose job duties involved the procurement of the proposed vendor. The Suffolk County Board of Ethics has previously opined on this topic in Advisory Opinion number 2016-23 which is distinguishable in that the employee was not involved in procurement of the vendor.

Facts: As set forth by the requestor and through Board fact finding, the facts are as follows. Ms. ██████████ was an employee of Brookhaven National Laboratory in Brookhaven (aka BNL) in the title Advanced Applications Engineer, Environmental and Climate Sciences, at the time she submitted her application to Civil Service in 2018. From July 9, 2018 to November 3, 2018 ██████████ was employed with the Suffolk County Real Property Tax Service Agency (RPTSA) in the title Mapping Products Developer. While employed by the County, ██████████ drafted a scope of work and completed all the appropriate forms to post a request for a proposal on the GSA web, proposals were due October 26, 2018. On or about October 12, 2018 ██████████ gave RPTSA notice of her intent to leave with her last day being November 3, 2018. ██████████ President submits Proposal to GSA to the attention of ██████████ since she appears as the RPTSA contact on the GSA site. ██████████ is ██████████ father and is the sole owner of IDS. Ms. ██████████ returned to the employ of BNL after November 2, 2018. The value of the proposed contract is \$158,788.00, all members of the RFP Committee submitted "Evaluation Committee No Conflict of Interest Statements", and the former employee's last day of work was after the submission date of the bid. Purchasing subsequently inquired with the Department Head if there was a conflict.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, Sections 77-3(C), Suffolk County Board of Ethics Rules, § 77-9 and 77-7.

Procedural History: This Advisory Opinion was requested on 2/14/2019. The Board voted on this Advisory Opinion request on 3/6/2019 determining there is a conflict of interest under the facts presented.

Opinion: The Requestor is a County Real Property Supervisory Official. The Requestor has asked if it is a conflict of interest to award a County vendor contract when a former department employee is a familial "associate person". The former County employee, holding the title "Mapping Projects Developer" in the Suffolk County

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-1
March 6, 2019

Real Property Tax Service Agency. (*SCBE - Exhibit #1*). The value of the proposed contract is \$158,788.00, all members of the RFP Committee submitted "Evaluation Committee No Conflict of Interest Statements", and the former employee's last day of work was after the submission date of the bid.

In considering this inquiry, the Board employed the following three-step analysis to determine whether a prohibited conflict of interest would exist:

- a) Does the requestor have standing to obtain an Advisory Opinion from the Suffolk County Board of Ethics;
- b) Is the requestor seeking advice on proposed future conduct;
- c) Whether a conflict of interest exists in procurement due to familial "associated" person who was working in the Department awarding the contract?

The Board determined that standing exists for this Advisory Opinion request due to the requestor's position as a Suffolk County Supervisory public official which mandates compliance with the Suffolk County Ethics Laws¹ (*Suffolk County Administrative Code §A30-1, Chapter 77, §77-1*, NYC COIB Advisory Opinion 2009-4). The Board further determined as the contract had not been awarded yet, that the request is regarding proposed future conduct and is within the Board's jurisdiction².

As to potential conflicts of interest, the law states in pertinent part at § 77-3(C), Prohibited Conduct, "No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to a person associated³ with the public servant. Under § 77-7(A), Recusal and Disclosure, "a public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would ... financially benefit ... a person or firm associated with the public servant"⁴.

As applied, the Board finds that the County employee's father (the owner of the bidder) is statutorily defined an associated person under § 77-1. Under § 77-3(C) and § 77-7(A), the Board finds that awarding the contract to the County employee's father who owns a firm receiving Suffolk County funding, does constitute a personal financial benefit to a person associated with the County employee. As the facts as presented reflect owned by the former County employee job duties did related to procurement or vendor oversight of this proposed RFP, there is a prohibited conflict.

These job duties of the former employee, included the resulting procurement specifications. Thus, the Board, under § 77-7(A) and § 77-7(B), finds that had recusals been necessary on all official actions relating to the associated person, recusals would not have been sufficient to avoid such a direct conflict. (*See SCBE Advisory Opinions No.0023-2018*, 713 N.Y.S.2d 361 (2nd Dept. 2000)).

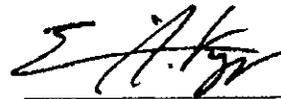
Conclusion: As set forth above, the Board finds that pursuant to § 77-3(C) and § 77-7(A) that it is a conflict to award a County contract when proposed the vendor is an "associate person" to a former County employee whose job duties did involve procurement or oversight of the proposed vendor owned 100% by the employees parent. Additionally, the Board finds it notable that pursuant to § 77-9, "PENALTIES FOR OFFENSES", upon a determination by the Board that a violation of § 77-1 or § 77-2 involving a contract, sale or other transaction has occurred, the County may elect to void the contract, sale or transaction in question.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-1
March 6, 2019

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: Great River, New York
3/6/2019



Eric Kopp, Chair

¹ N.Y. Gen Mun. Law § 810 (6). Additional definitions; Suffolk County §77-1 definitions.”

² § A30-3 Advisory opinions shall be issued only with respect to proposed future conduct or action by a public servant. A public servant whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the public servant that it is reconsidering its opinion

³ § 77-1. Definition of Associated: A person or firm associated with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial interest; and each firm in which the public servant has an interest.

⁴ 77-7(A). RECUSAL AND DISCLOSURE. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.

B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:

- (1) Promptly inform his or her immediate supervisor, if any;
- (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
- (3) Immediately refrain from participating further in the particular matter.

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of

██████████ in capacity as a
Suffolk County Department Head

-----X
STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-02
April 3, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

ADVISORY OPINION REQUEST

Request: The Department Head of Suffolk County Department of Probation has asked if it is a conflict of the ethics laws for a Suffolk County Probation Officer to work part time as a per diem counselor at St. Charles hospital in Port Jefferson, New York. The County probation officer is a NYS Substance and Alcohol Accredited Counselor and would be performing therapy and intake/discharge for detoxification programs at the hospital in this outside employment.

The Department Head advises that there is a conflict risk of the same population being treated in this outside employment. Currently, the employee is managing high risk offenders in the Town of Brookhaven where the hospital of outside employment is located and previously worked with probationers in the Town of Babylon. The Supervisory Official sets forth there is a high likelihood of conflict and asks if an agreement of patient assignment to exclude County probationers in the outside employment would remove the conflict.

Summary: Based upon the information presented to the Board, this proposed outside employment is a conflict of interest under the Suffolk County Code § 77-3(B) which states, "No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties". The Board finds that this proposed outside employment is in conflict with the proper discharge of official duties and does not find recusals or patient assignments sufficient to remove the conflict.

GOVERNING AUTHORITY

The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77, Section 77-3(B); Suffolk County Board of Ethics Procedures.

PROCEDURAL HISTORY

This Advisory Opinion was requested on 3/14/2019, presented to the Board for a standing vote on 3/20/19, and the Board voted on this Advisory Opinion on 4/3/2019.

INFORMATION PRESENTED TO THE BOARD

The Requestor is the Department Head of the Suffolk County Department of Probation. The Requestor asserts that an employee is seeking approval of an outside job and the Requestor is asking the Board for a County Code conflicts advisory opinion under County SOP A-15.

The employee is a Suffolk County Probation Officer with proposed outside employment as a part time per diem counselor at St. Charles hospital in Port Jefferson, New York performing therapy and intake/discharge for

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-2
April 3, 2019

detoxification programs. The Department Head advises that the employee is a NYS Substance and Alcohol Accredited Counselor. The Supervisory Official requestor states that there is a risk of conflict as it is likely the same population will be treated in this outside employment. Currently the employee manages high risk offenders in the Town of Brookhaven where the hospital is located and previously worked with probationers in the Town of Babylon.

OPINION AND ANALYSIS

In considering this inquiry, the Board employed the following three-step analysis to determine whether a prohibited conflict of interest would exist:

- a) Does the requestor have standing to obtain an Advisory Opinion from the Suffolk County Board of Ethics;
- b) Is the requestor seeking advice on proposed future conduct;
- c) Whether the potential conflict is prohibited conduct under the County ethics laws?

STANDING

The Board determined that standing exists for this Advisory Opinion request due to the requestor's position as a public servant employed by the Suffolk County Department of Probation which mandates compliance with the Suffolk County Ethics Laws regulated by the Suffolk County Board of Ethics¹ (*Suffolk County Administrative Code §A30-1, §A30-3, Suffolk County Code Chapter 77, §77-1, see Suffolk County Board of Ethics Advisory Opinion 2013-02, NYC COIB Advisory Opinion 2009-4, see Supreme Court State of New York, County of New York, Article 78 proceeding*).

PROPOSED FUTURE CONDUCT

The Law States in Pertinent Part:

§ A30-3(B). ADVISORY OPINIONS:

Advisory opinions shall be issued only with respect to proposed future conduct or action by a public servant. A public servant whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the public servant that it is reconsidering its opinion.

As applied, the Board determined that the request is regarding proposed ongoing and future conduct and is within the Board's jurisdiction.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-2
April 3, 2019

Sections of Law and County Policy Analyzed

The Law States in pertinent part:

“§ 77-3(B). PROHIBITED CONDUCT

B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties;

The Suffolk County Standard Operating Procedure A-15 paragraph 5, “Policy for Outside Employment for County Employees” states,

(5) Employees represented by collective bargaining units are subject to any and all provisions and restrictions relating to outside employment contained in current collective bargaining agreements. These employees should review their collective bargaining agreements and determine whether they contain outside employment provisions and restrictions. Employees represented by collective bargaining units are also subject to current and future County and departmental procedures and policies which are not inconsistent with the terms of the existing collective bargaining agreements. Employees who are excluded from the collective bargaining units are subject to departmental or County policies and procedures regarding outside employment which are now in effect or which may be promulgated in the future.

All outside employment is also subject to the following provisions:

- (1) Outside employment may not involve or appear to involve a conflict of interest or a potential conflict of interest.
- (2) Outside employment may not be undertaken on regularly scheduled work time.
- (3) Outside employment may not be undertaken on sick time.

The Suffolk County Standard Operating Procedure A-15 paragraph 6, “Conflicts of Interest” states,

(6) “Suffolk County employees are prohibited from engaging in outside employment which would conflict, *appear* to conflict or potentially conflict with the proper performance of their official duties. Guidelines for what constitutes a conflict of interest are outlined in the Code of Ethics, Article XXX of the Suffolk County Charter. The Board of Ethics is empowered to render advisory opinions with respect to the Code of Ethics” (emphasis added).

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-2
April 3, 2019

As set forth above, the Board of Ethics, pursuant to Suffolk County Standard Operating Procedure A-15 at paragraph 6, is empowered to render advisory opinions with respect to the Code of Ethics. It bears important mention that the Board's statutorily enumerated authority is to render advisory opinions with respect to Chapter 77, Part 1, Article 1 of the Suffolk County Code or other applicable provision of law governing conflicts of interest. *Suffolk Co. Admin. Code A 30-3*. Accordingly, the Board makes no determination and gives no opinion regarding an intra-departmental determination of an appearance of conflict pursuant to the Suffolk County Standard Operating Procedure A-15. However, the Board takes heavily into consideration that the department head advises that this proposed outside employment is viewed as a likely conflict and the Board agrees with the department head's assessment.

The compatibility of Probation Officer positions with outside jobs has been addressed by the New York State Attorney General's office as well as by the Suffolk County Board of Ethics. Specifically, it has been opined by the New York State Attorney General that the following positions have been found to be incompatible with a probation officer: police officer, district attorney coroner, and village court clerk (*see New York State Attorney General Informal Opinion 97-14*). Additionally, the Suffolk County Board of Ethics has previously assessed outside employment of Suffolk County probation officers and concluded a conflict of interest exists when the outside employment population is likely to include the same population as County probationers (*See Suffolk County Board of Ethics Advisory Opinion Number 2016-17 concluding outside employment as a court officer is a conflict for a Suffolk County probation officer*).

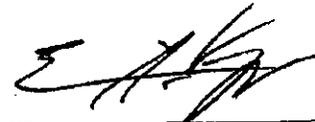
CONCLUSION AND DIRECTIVES

The Board finds that under the information presented the requested outside employment is not permissible under § 77-3 (B).

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the Requestor shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: Great River, New York
4/3/2019



Eric Kopp, Chair

¹ N.Y. Gen Mun. Law § 810 (6). Additional definitions; Suffolk County §77-1 definitions

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of

██████████ in capacity as a
Former Assistant County Attorney
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-3
April 17, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Requestor is a former Assistant County Attorney who retired on 3/8/19. He is requesting an opinion as to whether he, and his new law firm employer, can contract directly with the County as outside counsel, so that he can work on two matters that he was previously assigned as an Assistant County Attorney. The Board finds that the proposed conduct falls into the prohibition exemptions and is not a conflict of the County post-employment laws as long as the former employee contracts directly with the County.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE Advisory Opinions; Chapter 77, Section 77-6.

Procedural History: This Advisory Opinion was requested on 4/15/19 and the Board voted on this Advisory Opinion request on 4/17/19.

Opinion: The Requestor is a former Assistant County Attorney. He is requesting an opinion as to whether he, and his new law firm employer, can contract directly with the County as outside counsel, so that he can work on two matters that he was previously assigned as an Assistant County Attorney.

As to the information submitted by the Requestor, the Board's factual inquiries were satisfied and the Board did not elect their statutory right to an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

The Board determined that standing exists for this Advisory Opinion request due to the requestor's position as a former County employee which carries post-employment restrictions under Suffolk County Code Section 77-6.

The Suffolk County post-employment laws state at pertinent parts:

§ 77-6 (C) No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant, provided that, such prohibition shall not apply to a former public servant serving as a consultant to the County, where such former public servant contracts to provide such consultant services directly with the County

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-3
April 17, 2019

§ 77-6(I), "Nothing contained in this section shall prohibit a former public servant from being associated with or having a position in a firm which appears before a County agency or from acting in a ministerial matter regarding business dealings with the County".

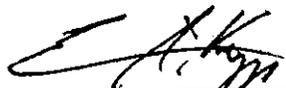
As applied, the Board finds that the proposed conduct falls into the prohibition exemptions and is not a conflict of the County post-employment laws as long as he enters into contract directly with the County as outside counsel.

CONCLUSION

As set forth above, the Board finds that the proposed conduct falls into the prohibition exemptions and is not a conflict of the County post-employment laws as long as the former employee contracts directly with the County.

The forgoing is the opinion of the Board.

Dated: Great River, New York
4/17/2019


Eric A. Kopp Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of
[REDACTED] in Capacity of a
Supervisory Official of Suffolk County
Department of Social Services

-----X
STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-6
July 3, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Caseworker Trainee Spanish Speaking as to part-time outside employment in Suffolk County, New York with employer Project Outreach. The Department has advised that the outside employer is not a vendor or in contract with the County of Suffolk. The employee's job duties in the County are to investigate allegations of child abuse and neglect. The employee's outside job duties as a Counselor at the adolescent drug and alcohol treatment facility includes supervision, support, and clinical services to the population of those chemically dependent. The Supervisory Official has asserted that there is not the same population being served in both job titles.

The Board finds based on the facts presented that the stated prospective outside employment does not create an impermissible conflict. Additionally, the Board directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.¹

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B) and 77-3(C).²

¹ § 77-7. RECUSAL AND DISCLOSURE.

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
- (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-6
July 3, 2019

Procedural History: This request was received on 5/24/2019, standing vote occurred on 6/5/2019 and Board vote occurred within the 45 days of conclusion on fact finding under the Suffolk County Code occurring on 7/3/2019. The Board determined by majority vote that there is not a conflict under the facts presented.

Opinion: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Caseworker Trainee Spanish Speaking as to part-time outside employment with Project Outreach. The employee's job duties in the County are to investigate allegations of child abuse and neglect. The employee's outside job duties as a Counselor at the adolescent drug and alcohol treatment facility includes supervision, support, and clinical services to the population of those chemically dependent.

Based upon the above facts and outside employment approval in place with the Department, the Board finds that this stated part-time prospective outside employment does not create for the employee a business dealing, nor is the employee engaging in a business transaction with the County. The Board finds there is no conflict with the proper discharge of his or her official duties, and defers any appearance of impropriety to the Department pursuant to the County dual employment SOP.

CONCLUSION

The Board finds that the stated prospective outside employment ***does not create an impermissible conflict*** and directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.³

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall

² § 77-3. PROHIBITED CONDUCT.

B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.

C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.

³ § 77-7. RECUSAL AND DISCLOSURE.

A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.

B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:

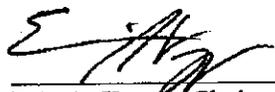
- (1) Promptly inform his or her immediate supervisor, if any;
- (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
- (3) Immediately refrain from participating further in the particular matter

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-6
July 3, 2019

have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: Great River, New York
7/3/2019



Eric A. Kopp - Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of
[REDACTED] in Capacity of a
Supervisory Official of Suffolk County
Department of Social Services

-----X
STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-7
July 3, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Caseworker Trainee as to part-time outside employment in Suffolk County, New York with Project REAL. The Department has advised that the outside employer is not a vendor or in contract with the County of Suffolk. The employee's job duties in the County are to investigate allegations of child abuse and neglect. The employee's outside job duties as a per diem Residential Counselor include assisting and supervising clients/residents with day to day living skills for "severe and persistent mentally ill adults". The Supervisory Official has asserted that there is not the same population being served in both job titles.

The Board finds based on the facts presented that the stated prospective outside employment does not create an impermissible conflict. Additionally, the Board directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.¹

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B) and 77-3(C).²

¹ § 77-7. RECUSAL AND DISCLOSURE.

- A.** A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B.** Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
- (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter

² § 77-3. PROHIBITED CONDUCT.

- B.** No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-7
July 3, 2019

Procedural History: This request was received on 5/24/2019, standing vote occurred on 6/5/2019 and Board vote occurred within the 45 days of conclusion on fact finding under the Suffolk County Code occurring on 7/3/2019. The Board determined by majority vote that there is not a conflict under the facts presented.

Opinion: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Caseworker Trainee as to part-time outside employment with Project REAL. The employee's job duties in the County are to investigate allegations of child abuse and neglect. The employee's outside job duties as a per diem Residential Counselor include assisting and supervising clients/residents with day to day living skills for "severe and persistent mentally ill adults". The Supervisory Official has asserted that there is not the same population being served in both job titles.

Based upon the above facts and outside employment approval in place with the Department, the Board finds that this stated part-time outside employment does not create for the employee a business dealing, nor is the employee engaging in a business transaction with the County. The Board finds there is no conflict with the proper discharge of his or her official duties, and defers any appearance of impropriety to the Department pursuant to the County dual employment SOP.

CONCLUSION

The Board finds that the stated prospective outside employment does not create an impermissible conflict. Additionally, the Board directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.³

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.

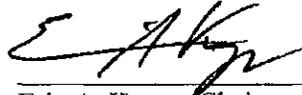
³ § 77-7. RECUSAL AND DISCLOSURE.

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
- (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-7
July 3, 2019

The forgoing is the opinion of the Board.

Dated: Great River, New York
7/3/2019



Eric A. Kopp - Chair.

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

X

In the Matter of the Inquiry of
[REDACTED] in Capacity of a
Supervisory Official of the Suffolk County
Department of Public Works

X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS

Advisory Opinion 2019-11

August 7, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: A County Supervisory Official has requested an advisory opinion regarding the two year post-employment laws. As applied, under the facts presented and current County law, a former County employee can be associated with or have a position in a firm which appears before a County agency and act on such matters in a ministerial manner under the County post-employment laws. However, a former County employee cannot appear (as defined in the County Code) before their former department of Suffolk County under the *2 year post-employment prohibition*. As such, upon review of the minutes which reflect that the former employee appeared, for compensation, before the County Department within the two year restricted time period, the Board concludes this is an appearance before the County under the County post-employment conflicts law.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE and COIB Advisory Opinions; the Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, Section 77-1 (Definitions); Section 77-6(B) and 77-6(I), the Suffolk County Board of Ethics Rules.

Procedural History: The Board voted on this Advisory Opinion request on 8/7/19.

Opinion: The Requestor is the Acting Commissioner of the Suffolk County Department of Public Works. He has asked 1) Is the former employee prohibited from appearing before the Sewer Agency? 2) Does his presence with the company who is bringing the application constitute an "appearance"? The Board concludes the former employee is prohibited for two-years from appearing before the Sewer Agency under Suffolk County Code § 77-6(B). The Board also concludes upon review of the minutes, that the former employee was appearing, for compensation, before the County Agency, thus the appearance does constitute "an appearance" under § 77-1.

As the documentary evidence submitted by the Requestor satisfied the Board's factual inquiries, the Board did not elect their statutory right to an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A). Additionally, the Board determined that standing exists for this Advisory Opinion request due to the requestor's position as a County supervisory official which requires his compliance with the Suffolk County Ethics Laws¹ (*Suffolk County Administrative Code §A30-1, Chapter 77, §77-1, NYC COIB Advisory Opinion 2009-4*). The Board determined that the request is regarding proposed future conduct and therefore is within the Board's jurisdiction.

The Suffolk County post-employment laws state at pertinent parts:

§ 77-1. DEFINITIONS.

When used in this Part 1, the following terms shall have the meanings indicated:

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-11
August 7, 2019

APPEAR To make any communication, for compensation, other than those involving ministerial matters.

§ 77-6(B), "No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of any government entity, including the County of Suffolk, as an elected representative, employee or consultant, provided that, in the case of a former public servant serving as a consultant, such former public servant contracts to provide such consultant services directly with the County (*emphasis on last amendments in the law*);

§ 77-6(I), "Nothing contained in this section shall prohibit a former public servant from being associated with or having a position in a firm which appears before a County agency or from acting in a ministerial matter regarding business dealings with the County".

Accordingly, the Board concludes upon reviewing the minutes of the meeting and sewer application:

- 1) Is the former employee prohibited from appearing before the Sewer Agency? The Board concludes the former employee is prohibited for two-years from appearing before the Sewer Agency under Suffolk County Code § 77-6(B).
- 2) Does his presence with the company who is bringing the application constitute an "appearance"? The Board concludes upon review of the minutes, that the former employee was appearing, for compensation, before the County Agency, thus the appearance does constitute "an appearance" under § 77-1.

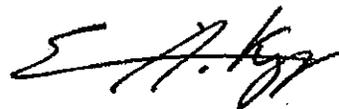
CONCLUSION

As set forth above, the Board finds that pursuant to § 77-1 and § 77-6(B) all former employees post-employment are prohibited from appearing within a two-year period after his or her separation from County service, before the County agency served by such public servant. Here, the Board finds the former employee, who resigned in April 2019, did appear before the County within the 2 year prohibition period, which is prohibited under the County post-employment laws and definitions.

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: Great River, New York
8/7/2019



Eric A. Kopp - Chair

¹ N.Y. Gen Mun. Law § 810 (6). Additional definitions; Suffolk County §77-1 definitions

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X

In the Matter of the Inquiry of
[REDACTED] in Capacity of a
Supervisory Official of Suffolk County
Department of Social Services

-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS

Advisory Opinion 2019-12
July 3, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Requestor, a Department of Social Services Supervisor, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of their approval process in determining their employee's outside employment disclosure. The employee, in the job title of "Social Services Examiner II, Medicaid Division", is seeking a department outside employment approval. The proposed outside employment is a part time job working for a Nassau County lawyer, Nicole Zuvich, Esq. Her outside job duties would be organizing real estate, elder law, and estate law documents. Her current Suffolk County job duties do not include Nassau County applications and the requesting supervisor has advised there are no current conflicts and should any arise, reassignment of a benefits approvals could be reassigned.

The Board finds based on the facts presented that the stated prospective outside employment does not create a impermissible conflict of interest.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B) and 77-3(C).¹

Procedural History: This request was received on 6/21/2019 and Board vote occurred within the 45 days of conclusion on fact finding under the Suffolk County Code occurring on 7/2/2019. The Board determined by

¹ § 77-3. PROHIBITED CONDUCT.

B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.

C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-12
July 3, 2019

majority vote that there is not a conflict under the facts presented.

Opinion: The Requestor, a Department of Social Services Supervisor, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of their approval process in determining their employee's outside employment disclosure. The employee, in the job title of "Social Services Examiner II, Medicaid Division", is seeking a department outside employment approval as to a part time job of a Nassau County lawyer, Nicole Zuvich, Esq. Her outside job duties would be organizing real estate, elder law, and estate law documents. Her current Suffolk County job duties do not include Nassau County applications and the requesting supervisor has advised there are no current conflicts and should any arise, reassignment of a benefits approvals could be reassigned. The Requesting supervisor has also advised that in her job title, employees with such job title only have access to cases which are assigned to her, and that employees do not have access to other benefits information due to confidentiality laws.

Based upon the above facts and confidentiality protocols in place with the Department, the Board finds that this stated part-time prospective outside employment in another County does not create for the employee a business dealing, nor is the employee engaging in a business transaction with the County, and there is no conflict with the proper discharge of his or her official duties.

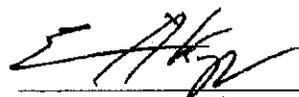
CONCLUSION

The Board finds that the stated prospective outside employment does not create an impermissible conflict.

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: Great River, New York
7/3/2019


Eric A. Kopp - Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of
[REDACTED] in capacity as a
Former Deputy County Health Commissioner
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-16
September 4, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising, or withdrawing an advisory opinion at any time.

Summary: The Requestor is a former Deputy County Health Commissioner who retired on July 13, 2019. She is requesting an opinion as to whether the County post-employment laws prohibit her from 1) accepting a part time position at SUNY Stony Brook Cancer Research Center as Director of Outreach and Education and 2) from accepting an honorarium of \$500 from Stony Brook University's Global Studies program for giving a lecture to various Public Health Government representatives visiting from Hunan Province in China on how the US Public Health system works from the federal, state, and local level, with particular emphasis on communicable disease prevention. The Suffolk County Board of Ethics finds that the proposed conduct falls into the post-employment government exemptions under 77-6(A) and 77-6(B) and is not a conflict under the additional County post-employment laws at 77-6(C) through 77-6(I).

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE Advisory Opinions; Chapter 77, Sections 77-3 and 77-6.

Procedural History: This Advisory Opinion was requested on 9/3/19 and the Board voted on this Advisory Opinion request on 9/4/19.

Opinion: The Requestor is a former Deputy County Health Commissioner who retired on July 13, 2019. She is requesting an opinion as to whether the County post-employment laws prohibit her from 1) accepting a part time position at SUNY Stony Brook Cancer Research Center as Director of Outreach and Education and 2) from accepting an honorarium of \$500 from Stony Brook University's Global Studies program for giving a lecture to various Public Health Government representatives visiting from Hunan Province in China on how the US Public Health system works from the federal, state, and local level, with particular emphasis on communicable disease prevention.

As to the information submitted by the Requestor, the Board's factual inquiries were satisfied and the Board did not elect their statutory right for an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

The Board determined that standing exists for this Advisory Opinion request under Suffolk County Administrative Code Section A30-3(E) due to the requestor's position as a former County employee.¹

¹ § A30-3. ADVISORY OPINIONS.

- E. For the purpose of this section only the term public servant includes a prospective or *former public servant* and a supervisory official includes a supervisory official who will supervise a prospective public servant or a supervisory official who supervised a former public servant.
[Added 6-4-2013 by L.L. No. 28-2013] (*emphasis added*)

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-16
September 4, 2019

The Suffolk County post-employment laws state at pertinent parts:

§ 77-6. POST-EMPLOYMENT RESTRICTIONS.

- A. No public servant shall solicit, negotiate for, or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. *This prohibition shall not apply to positions in the federal, state or any local government. (emphasis added)*
- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency *on behalf of any government entity*, including the County of Suffolk, as an elected representative, employee or consultant, provided that, in the case of a former public servant serving as a consultant, such former public servant contracts to provide such consultant services directly with the County. [Amended 12-20-2016 by L.L. No. 1-2017] *(emphasis added)*

As applied, the full Board's deliberations concluded that the requestor's proposed conduct of both the part-time job with SUNY Stony Brook Cancer Research Center and accepting an honorarium of \$500 from Stony Brook University falls into the post-employment government entity exemptions and is not a conflict of the County post-employment laws.

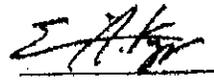
CONCLUSION

As set forth above, the Board concludes that both of the proposed post-employment activity falls into the government entity exemptions under § 77-6 and is not a conflict of the County post-employment laws.

The forgoing is the opinion of the Board.

Dated: Great River, New York

9/4/2019
Vote (5-0-0)


Eric A. Kopp – Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of
[REDACTED] in his capacity as public servant
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-17

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising, or withdrawing an advisory opinion at any time.

Summary: The Board finds the proposed future conduct to be not a conflict to submit a County septic tank grant application to the County. The Requestor as a public servant is not prohibited from, "accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs" (*see Suffolk County Code Section 77-5*).

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, Sections 77-3(C), 77-7, 77-7(A), and 77-5.

Procedural History: The Requestor submitted this request on 9/11/2019 and the Board found standing exists to request such opinion under Suffolk County Administrative Code Section A30-3.

Opinion: The Board finds that their factual inquiries were satisfied by the information submitted and through fact finding and accordingly, the Board did not elect their statutory right for an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

The Suffolk County laws state at pertinent parts:

The Law States in pertinent part:

§ 77-3(C). PROHIBITED CONDUCT

C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months;

§ 77-7(A). RECUSAL AND DISCLOSURE.

A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-17

benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.

(B). Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:

- (1) Promptly inform his or her immediate supervisor, if any;
- (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
- (3) Immediately refrain from participating further in the particular matter.

§ 77-5. EXEMPTIONS.

This article shall not prohibit:

B. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs.

As applied, the Board finds that the Requestor is not prohibited from "accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs". As such, the Board finds the proposed future conduct to be not a conflict to submit a County septic tank grant application and he must not be involved in his own application as it would be a clear conflict of interest. The Board concludes that under § 77-7(A) and § 77-7(B), that a recusal would be necessary of the Requestor regarding his own application.

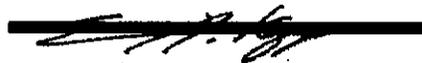
CONCLUSION

As set forth above, the Board concludes that the proposed activity falls into the public benefit exemption under § 77-5 (B) and is not a conflict of the County prohibited conduct laws.

The forgoing is the opinion of the Board.

Dated: Great River, New York

9/18/2019 Vote (5-0-0)
10/2/2019 Signature



Eric A. Kopp – Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of [REDACTED]
in capacity as a Supervisory Official in the
Suffolk County Police Department
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-19
November 6, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising, or withdrawing an advisory opinion at any time.

Summary: The Requestor is a current Supervisory Official in the Suffolk County Police Department. This official is requesting an opinion as to whether County police vehicles can place corporate donation sponsorship information on refurbished former military vehicles honoring fallen members of service. Currently, dedication language on County police vehicles lists the fallen service member's name and not a sponsoring donation entity.

Upon review of this request, the Board concludes that the Suffolk County Code of Ethics gifting provisions are only as to direct gifts to individuals, not County departments receiving gifts and donations. Accordingly, the Board recommends that the Police Department review this opinion concluding that the County gifting laws apply only to individuals and request an opinion as well from the County Law Department regarding gifting and sponsorship protocols for County Departments.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE Advisory Opinions; Chapter 77, and other applicable provision of law governing conflicts of interest.

Procedural History: The standing vote on this request occurred on 10/16/2019. The Board voted on this opinion on 11/6/2019.

Opinion: The Requestor is a current Supervisory Official in the Suffolk County Police Department. [REDACTED] is requesting an opinion as to whether County police vehicles can place an entity's name as a donation sponsor on refurbished former military vehicles honoring fallen members of service. Currently, dedication language on police vehicles lists the names of the fallen service members and not a sponsoring donation entity.

In considering this opinion request, the Board determined that standing exists for this Advisory Opinion request under Suffolk County Administrative Code Section A30-3 due to the requestor's position as a current County Supervisory Official. Additionally, the Board reviewed the County Ethics Laws, materials submitted by the Requestor including Departmental Commissioner Orders, County SOP's, and other applicable provisions of law governing conflicts of interest as permitted under the Suffolk County Administrative Code A30-3¹.

As to the information submitted by the Requestor, the Board's factual inquiries were satisfied and the Board did not elect their statutory right for an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

¹ § A30-3. ADVISORY OPINIONS

"A. The Board will render advisory opinions with respect to all matters covered by Chapter 77, Part 1, Article I, of the Suffolk County Code or any other applicable provision of law governing conflicts of interest, on the request of a public servant or a supervisory official of a public servant " (Excerpt with emphasis added).

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-19
November 6, 2019

Upon review of the inquiry and County Ethics laws, the Board concludes that while there are no County ethics laws that address gifting or sponsorship donations to County Departments², the Board does have authority to review other relevant areas of law as related to inquiries under Suffolk County Administrative Code A30-3. Accordingly, the Board advises the Requestor as to the following for guidance and review.

Regarding the potential for appearance of impropriety, and Article VIII § 1 of the New York Constitution, the Board advises that there are strong public policy and initiatives prohibiting the use of public property as a forum for private business advertisement³. Therefore, sponsorship and advertising must be addressed here as to potential conflicts of interest and gifting.

In the *New York State Ethics Commission Advisory Opinion No. 95-38*, requested by the Department's Acting General Counsel, the requestor advised the Commission that it periodically receives offers of donations of equipment or money for a variety of agency purposes whose owners and individual members may engage in activities which are licensed and regulated by the Department. This Opinion concluded in pertinent part:

² § 77-3. PROHIBITED CONDUCT (PARAGRAPHS C,E,F,& G)

- C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.
- E. No public servant shall solicit or accept any gift having a value of \$75 or more from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.
- F. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action.
- G. No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist.

§ 77-7. RECUSAL AND DISCLOSURE (PARAGRAPH A)

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market-value in the preceding 12 months.

³ See, *The Constitution of the State of New York, ARTICLE VIII, Section 1 "Local Finances"* stating at pertinent part: No county, city, town, village or school district shall give or loan any money or property to or in aid of any individual, or private corporation or association, or private undertaking, or become directly or indirectly the owner of stock in, or bonds of, any private corporation or association; nor shall any county, city, town, village or school district give or loan its credit to or in aid of any individual, or public or private corporation or association, or private undertaking, except that two or more such units may join together pursuant to law in providing any municipal facility, service, activity or undertaking which each of such units has the power to provide separately (emphasis added).

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-19
November 6, 2019

“Decisions as to the propriety of a donation must be made by the Commissioner on a case-by-case basis, considering its source, timing and amount. While donors may freely advertise donations to DEC, use of logos or other identifiable markings on the donated equipment, while not prohibited, should be discreet. For example, potential donations include snowmobiles, boats, and smaller types of equipment. These offers are often intended to meet the needs of Environmental Conservation Officers (“ECOs”), who are responsible for enforcing a wide range of provisions of the Environmental Conservation Law (“ECL”). Each ECO has the status of “police officer,”⁽¹⁾ thus charging him or her with responsibilities similar to those of others in law enforcement” (see *New York State Ethics Commission Advisory Opinion 95-38*).

Additionally, public property and advertising was addressed in the *New York State Office of the Attorney General Opinion No. 92-56* concluding, “A local government is unauthorized to permit the use of its property for private advertising”. In furtherance, this public policy was addressed in *NYS Comptroller in Opinion 92-31* concluding:

“We have also expressed the opinion, however, that, except in connection with a proprietary activity or pursuant to express statutory authority, it is not a proper municipal purpose to raise revenues by selling advertising space on municipal property (1982 Opns St Comp No. 82-133, p 167; cf. 1980 Opns St Comp No. 80-671, unreported; General Municipal Law, §77-d). Thus, it is our opinion that a municipality may not sell advertising space in an informational newsletter to be distributed to its residents (1979 Opns St Comp No. 79-475, unreported; see also 1992 Atty Gen Formal Opn No. 92-F5; 1992 Atty Gen Inf. Opn No. 92-56; 1955 Atty Gen 181; cf. Opn No. 80-671, supra; 1977 Atty Gen 42).”

As applied to this opinion request before the Suffolk County Board of Ethics, these are analogous as both the Public Officers Law (§73 , § 74) and the Suffolk County Code of Ethics, are specifically applicable to gifts made to individual public servants and are not enforceable with respect to gift and donations to agencies. As such, the Suffolk County Board of Ethics recommends that the Police Department Supervisory Official request a legal opinion as well from the County Law Department relevant to the provisions of the County Administrative Code relating to Departmental gifting, sponsorship, and County vehicles (inclusive of § A3-10).⁴

CONCLUSION

Due to the foregoing, the full Board’s deliberations concluded that the Requestor’s proposed conduct regarding the printing of sponsorship and donation entity names on police vehicles does not fall into an enumerated section of gifting within the current County Code.

⁴Suffolk County Administrative Code, § A3-10 Acceptance of gifts and insurance proceeds. [Derived from Res. No. 271-1978] **A.** An unconditional gift or bequest received from any source may be accepted and appropriated by order of the County Executive, after a statement of the amount and source of said gift and of the proposed appropriation has been duly filed with the Clerk of the County Legislature. **B.** Any conditional gift or bequest from any source, not exceeding \$5,000, may be accepted and appropriated by order of the County Executive, after a statement of the amount, source, terms and conditions of such gift or bequest and of the proposed appropriation has been duly filed with the Clerk of the County Legislature.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-19
November 6, 2019

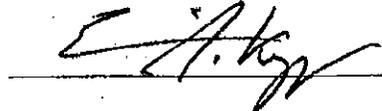
Accordingly, the Suffolk County Board of Ethics recommends that the Police Department Supervisory Official request a legal opinion from the County Law Department as to the relevant sections of the Suffolk County Administrative Code related to gifting, sponsorship, and refurbished military vehicles.

The forgoing is the opinion of the Board.

Dated: Great River, New York

11/6/2019

Vote (5-0-0)



Eric A. Kopp – Chair

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of
in his capacity [REDACTED] as public servant
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-20

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising, or withdrawing an advisory opinion at any time.

Summary: As to the Requestor's question if he, as a County employee, can submit an application to the County septic tank grant program, the Board reaffirms previously rendered advisory opinion 2019-17 that it is permissible and *is not a conflict of interest*.¹ As opined previously in SCBE Opinion 2019-17, the Requestor as a public servant is not prohibited from, "accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs" (*see Suffolk County Code Section 77-5*). As to the Requestor's question regarding the use of his professional license to assisting his friend (uncompensated) in preparing his friend's grant application ² the Board concludes that submitting his stamp would be impermissible under the County ethics Code to appearing on behalf of a private interest in the employing agency under Suffolk County Code §77-3(H).

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, Sections 77-3(C), 77-7, 77-7(A), and 77-5.

Procedural History: The Requestor submitted this request on 12/12/2019 and the Board found standing exists to request such opinion under Suffolk County Administrative Code Section A30-3.

Opinion: The Board finds that their factual inquiries were satisfied by the information submitted and through fact finding and accordingly, the Board did not elect their statutory right for an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

The Suffolk County Code state at pertinent parts:

§ 77-3(B) "No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.

§ 77-3(H). No public servant shall, for compensation, represent private interests before any County agency *or appear directly or indirectly on behalf of private interests* in matters involving the County. For a public servant who is not a County employee, this prohibition shall apply only to the agency served by the public servant (*emphasis added*).

¹ See enclosure Suffolk County Board of Ethics Advisory Opinion 2019-17.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-20

§ 77-7(A). RECUSAL AND DISCLOSURE.

A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would *financially benefit the public servant*, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months (*emphasis added*).

(B). whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:

- (1) Promptly inform his or her immediate supervisor, if any;
- (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
- (3) Immediately refrain from participating further in the particular matter.

§ 77-5. EXEMPTIONS.

This article shall not prohibit:

B. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs.

As applied under § 77-5 (B) "Exemptions", the Board finds that the Requestor is not prohibited from "accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs". As such, the Board finds the proposed future conduct to be *not a conflict* to submit a County septic tank grant application however he must not be involved in his own application as it would be a clear conflict of interest. The Board concludes that under § 77-7(A) and § 77-7(B), that a recusal would be necessary of the Requestor regarding his own application. As to the Requestor's question regarding the use of his professional license to assisting his friend (uncompensated) in preparing his friend's grant application³ the Board concludes that it would be impermissible under the County ethics Code to appear on behalf of a private interest in the County, specifically, the employer department.

CONCLUSION

As set forth above, the Board concludes that the proposed activity as to the Requestor's own grant application falls into the public benefit exemption under § 77-5 (B) and is not a conflict of the County prohibited conduct laws. The Board further concludes that under § 77-7(A) and § 77-7(B), that a recusal would be necessary of the Requestor regarding his own application. As to the Requestor's question regarding the use of his professional

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-20

license to assisting his friend (uncompensated) in preparing his friend's grant application, ⁴ the Board concludes this would be impermissible under the County ethics Code to appear on behalf of a private interest in the County, specifically in the employer County Department.

The forgoing is the opinion of the Board.

Dated: Great River, New York

12/18/2019 (4-0-0)



STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

-----X
In the Matter of the Inquiry of

[REDACTED]
Suffolk County Health Commissioner
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-18
October 2, 2019

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising, or withdrawing an advisory opinion at any time.

Summary: The Requestor is the current County Health Commissioner. He is requesting an opinion as to whether he can accept \$500 from Stony Brook University, or can the compensation be donated, for giving an upcoming lecture. The lecture is intended to be given to various Public Health Government representatives visiting from Hunan Province in China University on the topic of disaster management related and infectious disease on a population level focus.

The Suffolk County Board of Ethics finds that the proposed conduct is a conflict under the current County ethics code, §77-3 (F) for the Requestor to accept the \$500 in compensation for such lecture as the lecture is related to County job title. On the Requestor's inquiry on a donation of the \$500, the Board further concludes that there is no prohibition in the County Code which regulates Stony Brook University's donation policies.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE Advisory Opinions; Chapter 77, Section 77-3

“§ 77-3. PROHIBITED CONDUCT.

E. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action.”

Procedural History: This Advisory Opinion was requested on 9/26/19 and the Board voted on this Advisory Opinion request on 10/2/19.

Opinion: The Requestor is the current County Health Commissioner. He is requesting an opinion as to whether he can accept \$500 from Stony Brook University, or can the compensation be donated, for giving an upcoming lecture. The lecture is intended to be given to various Public Health Government representatives visiting from Hunan Province in China University on the topic of disaster management related and infectious disease on a population level focus.

In considering this opinion request, in addition to the County Code, the Board reviewed the materials submitted by the Requestor and previously issued SCBE Advisory Opinions.

As to the information submitted by the Requestor, the Board's factual inquiries were satisfied and the Board did not elect their statutory right for an in person appearance by the Requestor under Suffolk County Administrative Code A30-3(A).

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2019-18
October 2, 2019

The Board determined that standing exists for this Advisory Opinion request under Suffolk County Administrative Code Section A30-3 due to the requestor's position as a current County employee.¹

Upon review of the inquiry, the Board concludes that this lecture is related to the requestor's County job title. Due to the foregoing, the full Board's deliberations concluded that the requestor's inquiry of proposed future conduct of accepting \$500 in compensation from Stony Brook University for giving a lecture to various Public Health Government representatives visiting from Hunan Province in China University on the topic of disaster management related and infectious disease on a population level focus is a conflict of the County ethics code. On the Requestor's inquiry on a donation of the \$500, the Board further concludes that there is no prohibition in the County Code which regulates Stony Brook University's donation policies.

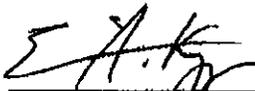
CONCLUSION

Due to the foregoing, the full Board's deliberations concluded that the requestor's proposed conduct of accepting \$500 from Stony Brook University is a conflict of the County ethics code. On the Requestor's inquiry on a donation of the \$500, the Board further concludes that there is no prohibition in the County Code which regulates Stony Brook University's donation policies.

The foregoing is the opinion of the Board.

Dated: Great River, New York

10/2/2019
Vote (5-0-0)


Eric A. Kopp, Chair

¹ § A30-3. *ADVISORY OPINIONS.*

"A. The Board will render advisory opinions with respect to all matters covered by Chapter 77, Part I, Article I, of the Suffolk County Code or any other applicable provision of law governing conflicts of interest, on the request of a public servant or a supervisory official of a public servant".

EXHIBIT I

No Gifts from Lobbyists



§77-3 (G) Prohibited Conduct

No public servant shall accept, attempt to accept or ask for anything from a lobbyist. Penalties: 180 days in jail or \$1,000 fine or both.

Financial Disclosure Statements



ETHICS
DEADLINE: MAY 15th

Post-Employment Laws



ETHICS

Post-Employment Laws

Educate Yourself

\$10,000.00

is how much you should be paid for attending the County ethics train.

ETHICS

Penalties for Offenses

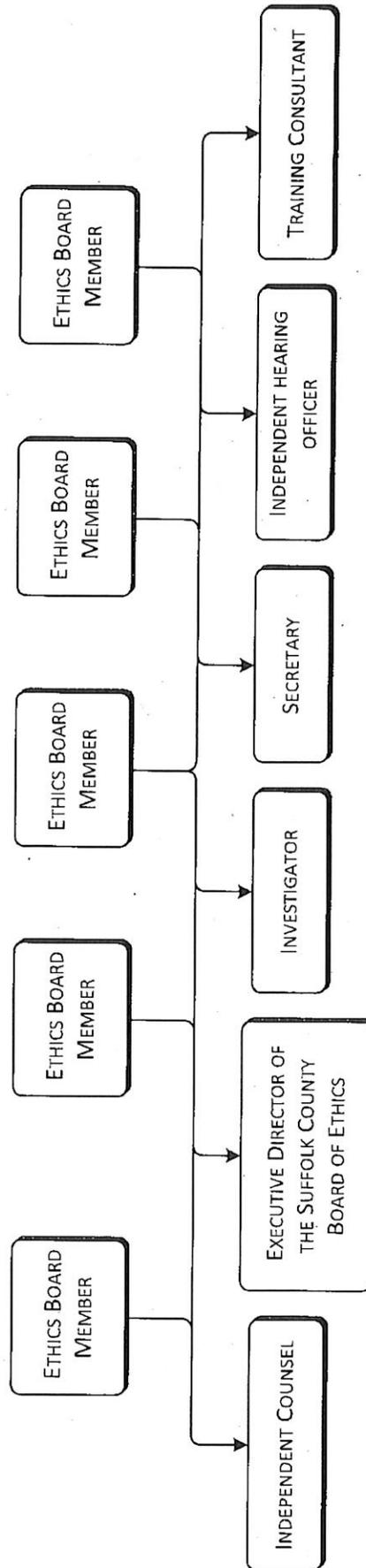




EXHIBIT J

SUFFOLK COUNTY BOARD OF ETHICS

COUNTY OF SUFFOLK ANNUAL BUDGET ORGANIZATIONAL CHART



County of Suffolk
Annual Budget

Suffolk County Board of Ethics

M = Mandated S = Split between Mandated and Discretionary

2018 Act.	2019 Adpt.	2019 Est.	Description	2020 Req.	2020 Rec.	2020 Adpt.
274,667	330,286	280,732	Suffolk County Ethics Board Grand Total	384,452	336,743	336,743
			001-COE-1120-Suffolk County Ethics Board			
			1000 Personal Services			
1,100	1,100	1,100	1060-0000-Longevity Pay	1,155	1,200	1,200
204,555	210,500	151,235	1100-0000-Permanent Salaries	242,075	217,767	217,767
0	500	250	1120-0000-Overtime Salaries	525	250	250
0	0	10,621	1130-0000-Temporary Salaries - No Fringe	0	0	0
205,655	212,100	163,206	1000 Personal Services Total	243,755	219,217	219,217
			3000 Supplies, Materials, & Other Expenses			
1,412	2,000	1,750	3010-0000-Office Supplies	2,100	1,750	1,750
0	960	900	3020-0000-Postage	1,008	900	900
0	600	500	3070-0000-Memberships & Subscriptions	630	500	500
268	750	500	3100-0000-Instructional Supplies	788	500	500
2,080	2,062	2,062	3510-0000-Rent: Business Machines & Systems	2,165	2,062	2,062
3,759	6,372	5,712	3000 Supplies, Materials, & Other Expenses Total	6,691	5,712	5,712
			4000 Contractual Expenses			
587	639	639	4015-0000-Cellular Communications	671	639	639
156	200	200	4330-0000-Travel: Employee Contracts	210	200	200
0	300	300	4340-0000-Travel: Other	315	300	300
64,509	110,675	110,675	4560-0000-Fees For Services: Non-Employ	132,810	110,675	110,675
65,252	111,814	111,814	4000 Contractual Expenses Total	134,006	111,814	111,814
274,667	330,286	280,732	001-COE-1120-SUFFOLK COUNTY ETHICS BOARD TOTAL	384,452	336,743	336,743

County of Suffolk
Annual Budget
Authorized Staff

Suffolk County Board of Ethics
001 - General Fund

Position Title	Gr.	2019 Mod.	2020 Req.	2020 Rec.	2020 Adpt.
Total Suffolk County Board of Ethics		3	3	3	3
Total General Fund		3	3	3	3
1120-Suffolk County Ethics Board		3	3	3	3
100-Suffolk County Ethics Board		3	3	3	3
EXEC DIR OF SC BOARD OF ETHICS	32	1	1	1	1
INVESTIGATOR II	21	1	1	1	1
SECRETARY	17	1	1	1	1
Total Cost Of Positions			\$191,946	\$191,946	\$191,946
Plus Salary Adjustment			1,188	1,188	1,188
Plus New Positions			0	0	0
Plus Transfers In			0	0	0
Less Abolished Positions			0	0	0
Less Transfers Out			0	0	0
Less Estimated Turnover Savings			0	0	0
Other Adjustments			19,444	24,633	24,633
Net Appropriation			\$212,578	\$217,767	\$217,767



Suffolk County Board of Ethics

- ◆ **Board Requests** – In 2017, the Board received 17 written requests for Advisory Opinions regarding the Suffolk County Ethics Laws. The Board also received 11 Supervisory Official requests for determination, 10 recusals, 3 miscellaneous inquiries, and 16 FOIL requests resulting in over 1,000 pages of public records produced. The Board provides FOIL requestors with the option of producing responsive records at no copying costs via email for convenience to the requestor and the most time efficient method of production.
- ◆ **Complaints/Investigations/Adjudications/Subpoenas** – In 2017, the Board conducted an investigation and determined a County employee engaged in prohibited conduct and business dealings under the Suffolk County Code sections §77-2(A), §77-2(B), and §77-3(B). The Board imposed fines totaling \$37,000, recommended department discipline, and made regulatory referrals to appropriate State and Local Agencies. The Board also received 2 complaints outside the Board's Chapter 77 jurisdiction.

2019 Executive Recommendations

I am recommending a 2019 Operating Budget for the Suffolk County Board of Ethics which provides adequate resources for the Department to meet its core goals while assuming a balanced budget in 2019.

Expenditures

	2017 Actuals	2018 Adopted	2019 Estimate	2019 Request	2019 Rec.	2019 Adopted
001 - General Fund						
Personal Services	174,221	196,264	198,740	267,232	212,100	212,100
Supplies, Materials & Other Exp	3,923	6,880	6,380	9,072	6,372	6,372
Contractual Expenses	124,506	111,714	111,714	173,439	111,814	111,814
001 - General Fund Total	302,649	314,858	316,834	449,743	330,286	330,286

Staffing Summary - 2019

	Request # of Positions	Request Cost of Positions	Rec # of Positions	Rec Cost of Positions	Adopt # of Positions	Adopt Cost of Positions
01 - General Fund						
Total Cost of Positions	3	\$210,500	3	\$210,500	3	\$210,500
New Positions	0	\$0	0	\$0	0	\$0
Fund Total	3	\$210,500	3	\$210,500	3	\$210,500

EXHIBIT K

SUFFOLK COUNTY



MEMBERS
ERIC A. KOPP, CHAIR
LINDA A. SPAHR, VICE CHAIR
DENNIS O'DOHERTY
ANTHONY PARLATORE
DAVID BEKOFISKY

BOARD OF ETHICS

EXECUTIVE DIRECTOR
SAMANTHA SEGAL
OFFICE LOCATION (SEE BELOW MAILING)
SUNRISE BUSINESS CENTER
3500 SUNRISE HIGHWAY, ROOM 364
GREAT RIVER, NEW YORK 11739

12/4/2019

Via County Email and Interoffice Mail

Dear Suffolk County Space Committee:

Thank you for approving earlier this year the Suffolk County Board of Ethics' request for an office relocation to Hauppauge/the North County Complex. Kindly advise as to any proposed locations that have been considered that would increase public accessibility under the Open Meetings Law.

Please note, as submitted in the request, the space was to be inclusive of easy access to the public, accessibility for County employee Financial Disclosure Statement filings, administrative needs, counter service, and parking spaces available for training attendees (1-125 attendees). Additionally, the request was inclusive of the physical space limitation in the County charter prohibiting the Board's offices from being in the same building as the offices of the County Executive and offices of the County Legislature¹.

Thank you for your time and continued courtesies.

Best Regards,

Eric A. Kopp, Chair
Suffolk County Board of Ethics

Cc: Ways and Means
County Executive
Presiding Officer
Executive Director SCBE
Members SCBE
General Counsel SCBE

¹ See Suffolk County Charter § C30-4. STAFFING; FACILITIES.

C. The Board's office(s) shall not be sited in a building occupied by either the County Executive or the County Legislature.

EXHIBIT L

**Request for Proposals (RFP)
The Suffolk County Purchasing Office
Acting as the Issuing Agent for the
Suffolk County Board of Ethics
Is seeking Submissions from Qualified Providers to
Provide Legal Counsel and Ethics Training Services**

**SC Purchasing RFP No. 19040
Commodity Code: 918 74**

**Submissions Due Date: December 10, 2019
(Advertised: November 21, 2019)**

The Suffolk County Purchasing Office, acting as issuing agent for the Suffolk County Board of Ethics, invites proposals from law firms large and small that have demonstrated experience in the following areas of practice: General Municipal Law Article 18, municipal ethics, financial disclosure laws, professional ethics, trainings, adult legal education and lecturing experience.

The specifications for this RFP are available through contacting:

- Accessing website: www.suffolkcountyny.gov : Select the "Business" drop-down and then click the "Doing Business" button; click "Bids & Proposals" in the left column; follow links to Suffolk County's Procurement Announcement System to register and download document. By registering, you will automatically receive all future addenda.
- In person: SC Purchasing Office, 335 Yaphank Avenue, Yaphank, NY 11980
- By faxing (631) 852-5221
- By emailing tom.malanga@suffolkcountyny.gov
- By calling (631) 852-5196 with the RFP number and your address

Timeline

- Technical questions due by 12/2/2019 by 3:30 PM
 - Must be in writing (fax/email acceptable)
- Proposals due 12/10/2019 by 3:30 PM
 - Submitted to Suffolk County Purchasing Office

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4. Evaluation Committee and Award of Contract
5. Questions and Comments
6. Proposer's Conference
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8. Number of Copies of Proposal
9. RFP Policies and Procedures
10. RFP Posted on County Website
11. Reservation of Rights
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13. Award Criteria
14. Contract Terms and Conditions
15. Use of County Resources to Interfere with Collective Bargaining Activities
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16. Non-Responsible Bidder
17. Effective Period of Proposals
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2. Cost Proposal/Fee Schedule is One of Several Evaluation Criteria
3. Additional Information
4. Alternative Proposals
5. Format for Cost Proposal/Fee Schedule

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Suffolk County Required Compliance Forms in Accordance with County Laws

Note: All required forms may be obtained at www.suffolkcountyny.gov:
Click on "Business and Commercial" and then "Bids and Proposals" and follow the instructions to register and download the documents.

**Section I
Administrative Information**

1. Purpose of RFP

The Suffolk County Board of Ethics ("Board") set forth on page one, invites proposals ("Proposal(s)") from qualified professionals ("Proposer") to provide services ("Services"), as described in Section IV, entitled "Technical Requirements."

The term Contractor ("Contractor") shall mean the successful Proposer who may be awarded a contract pursuant to this RFP. The Board reserves the right to award the contract to more than one Proposer.

2. Coordinating Departments

a. Prior to Award of Contract

The Suffolk County Purchasing Office is responsible for coordinating with the Board regarding the issuance of this RFP:

Suffolk County Purchasing Office
335 Yaphank Avenue, Room 103
Yaphank, New York 11980
Main Tel: (631) 852-5196
Fax (631) 852-5221

Contact: Purchasing Office staff member listed on page one of this RFP.

b. After Award of Contract

- i. The Board is responsible for coordinating with the Suffolk County Attorney's Office and the Contractor regarding the negotiation and execution of the contract.
- ii. The County will execute a contract with the Contractor, based on the Model Contract included in this RFP. Note that the Model Contract is subject to negotiation and revision, based on the Board's needs and the approval of the County Attorney's Office.
- iii. The Proposal submitted by the Proposer in response to this RFP, as may be negotiated by the Board, will become the basis for the contract.

c. After Execution of Contract

The Board is responsible for administration of the contract.

3. Background Information

- a. Suffolk County, with a population of 1.5 million, is Long Island's eastern-most county, and covers an area of approximately 900 square miles, 20 miles at its widest part and approximately 86 miles in length.

- b. The County of Suffolk is a municipal corporation of the State of New York with an annual operating budget of approximately \$2.6 billion. The County employs approximately 12,000 employees, with main offices located in Hauppauge, Yaphank, Riverhead, and several smaller locations.

4. Evaluation Committee and Award of Contract

The award of any contract will be made in the best interest of the County, taking into consideration cost as well as technical or other non-cost factors. The Suffolk County Department of Law acts as counsel to the County Evaluation Committee, but does not vote in the selection process.

The RFP Evaluation Committee shall consist of members of the Board (see Suffolk County Charter §30-4(A)).

5. Questions and Comments

a. Administrative Questions

Administrative questions (e.g., procedural questions on how to respond to this RFP) may be submitted by telephone or in writing (fax/email acceptable) to the Purchasing Office staff member listed on page one of this RFP.

b. Technical Questions

Technical questions (questions which are specific to the service requested in this RFP) must be submitted in writing (fax/email are acceptable) on or before the date set forth on page one of this RFP to the attention of the Purchasing Office staff member listed on page one of this RFP. Responses to such technical questions will be developed by the requesting Board and issued by the Purchasing Office in the form of an Addendum to this RFP.

c. No Direct Contact

No questions or comments should be directed to any County employee or its contractors or any firm currently in contract with the County regarding this RFP during the RFP process, except as set forth in sub-paragraphs 5.a and 5.b above or as may be requested or permitted by the Suffolk County Purchasing Office and/or the Suffolk County Department of Law. Failure to comply may result in immediate disqualification.

6. Proposer's Conference

There will not be a Proposer's Conference held for this RFP.

7. Due Date for Proposals

Proposals must be submitted to the attention of the Purchasing Agent listed on page one, by 3:30 p.m. on the date set forth on page one of this RFP.

In the interest of fairness to all participants, no extensions or exceptions will be permitted, unless issued as an Addendum to this RFP and applicable to all Proposers.

8. Number of Copies of Proposal

One original, plus such additional numbers of copies as set forth on page one of this RFP of the responses to Sections II, IV and V, are required to be sent to the Suffolk County Purchasing Office.

Note: Section V, entitled "Cost Proposal/Fee Schedule," is required to be in a **separate, sealed envelope**, properly labeled.

Do not submit Proposals that are permanently bound.

9. RFP Policies and Procedures

- a. The Board reserves the right to amend this RFP. The Board reserves the right to reject any or all of the Proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the Board. The Board reserves the right to request additional information from any Responder. The Board reserves the right to award negotiated contracts to one or more Responders.
- c. This RFP is not intended and shall not be construed to commit the Board to pay any costs incurred in connection with any Proposal or to procure or contract for any services.
- d. The decision to award a contract shall be based on the ability of the Responder to provide quality products and services and to comply with all applicable laws, rules and regulations without limitation.
- e. Each Proposal will be examined to determine whether it is responsive to the requirements of this RFP. All responsive submissions will be evaluated in accordance with the above criteria.
- f. While the Board is under no obligation to contact Responders for clarifications, it reserves the right to do so. Depending on the number and quality of the Proposals submitted, the Board may elect to interview some or all of the Responders during the selection process and to request presentations.
- g. Based on the evaluation criteria, please note that the Board will not necessarily choose the Contractor(s) with the lowest rates for Services. A competitive rate range consisting of those Proposals which are acceptable to the Board, and which provides the greatest benefit to the Board and Suffolk County will be used to choose a Contractor.

10. RFP Posted On County Website

This RFP is available on-line at: www.suffolkcountyny.gov; click on "Business and Commercial" and then "Bids and Proposals" and follow the instructions to register and download the documents. By registering on-line you will automatically be notified of all future addendums. If you should need assistance, please contact the Purchasing Office for help.

11. Reservation of Rights

The County expressly reserves the right to:

- a. Reject or cancel any or all proposals or any part thereof submitted in response to this RFP;

- b. Withdraw the RFP at any time, at the County's sole discretion;
- c. Disqualify any Proposer whose conduct and/or Proposal fails to conform to the requirements of the RFP;
- d. Use Proposal information obtained through site visits, management interviews, and the County's investigation of a Proposer's qualifications, experience, ability or financial standing, and any material or information submitted by the Proposer in response to the County request for clarifying information in the course of evaluation and/or selection under this RFP;
- e. Prior to Bid opening, amend the RFP specifications to correct errors, or oversights, or to supply additional information as shall become available;
- f. Prior to Bid opening, direct Proposers to submit Proposal modifications addressing subsequent RFP amendments;
- g. Change any of the dates concerning the RFP award schedule;
- h. Eliminate any mandatory, not-material specification that cannot be complied with by all of the prospective Proposers;
- i. Waive any requirements that are not material;
- j. Award negotiated contracts to one or more Proposers;
- k. Negotiate with the successful Proposer(s) within the scope of the RFP, in the best interest of the County;
- l. Conduct contract negotiations with the next responsible Proposer should the County be unsuccessful in negotiations with the selected Proposer;
- m. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a proposal and/or to determine a Proposer's compliance with the requirements of the RFP.

12. Proposal Format

The following materials are required to be received by the County, by the Proposal Due Date set forth on the first page of this RFP. The topics listed under these general headings are minimum standards and should not be viewed as limitations to the information provided by the Proposer in response to this RFP.

a. Transmittal Letter (one original plus number of copies listed on page one)

A transmittal letter is a letter on the Proposer's stationery. A corporate officer or an authorized agent of the Proposer must sign the transmittal letter. The transmittal letter must state the contact person who will be responsible for answering all questions of the County Evaluation Committee. Include the telephone number, fax number, and e-mail address for such contact person.

b. Required Forms

i. Disqualification of Non-responsible Bidders (LL 52-2012 Form) (2 pages)

LL 52-2012 Form is included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

ii. Suffolk County Form 22 -- Contractor's/Vendor's Public Disclosure Statement (2 pages)

SCEX Form 22 is included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

A corporate officer, or an authorized agent of the Proposer, must sign one (1) original of form and have it notarized.

Please note that any Proposers who are not-for-profit corporations are not required to complete this form.

iii. Non-Collusive Offer Certification (FTS Form) (1 page)

FTS Form is included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

iv. Lawful Hiring Forms (LHE-1/2 Form) (1 page)

These forms are included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

The Labor Department's Lawful Hiring of Employees Unit may be reached at (631) 853-3808 for specific questions.

v. Living Wage Forms (LW1/38 Form) (1 page)

These forms are included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

If the Living Wage Laws applies and Section I is checked, the chart must be completed.

The Labor Department's Living Wage Unit may be reached at (631) 853-3808 for specific questions.

vi. Suffolk County Union Organizing Certification/Declaration (LO1 Form) (2 pages)

LO1 Form is included in the Section entitled "Suffolk County Required Compliance Forms in Accordance with County Laws."

(Note: this Form will be required only from the Apparent Successful Proposer)

vii. Contractor's Statement of Applicability of Local Preference Law – Section A4-13 of the Suffolk County Administrative Code (Local Preference Law)

Local Preference Law - Section A4-13 of the Suffolk County Administrative Code establishes a preference program for Suffolk County consulting contracts. This preference program requires all contracts for professional consulting services (engineering, architectural, planning, legal, and accounting, etc.) to be awarded to firms located and doing business within Suffolk or Nassau County, except where no local consultant has the necessary expertise or credentials to provide the needed service, or where the local consultant's response to a Request for Proposals (RFP) exceeds the otherwise lowest response by more than 10%. The local law contains specific definitions and language relative to application of this law which interested parties should review. The laws of Suffolk County are available free of charge at <http://legis.suffolkcountyny.gov/> under the "Search the Laws of Suffolk County" tab.

If applicable, include a statement with the Proposal asserting the applicability of the Local Preference Law. The statement must include the reasons for assertion of the applicability of the Local Preference Law.

c. Proposer Profile/Response to Questions set forth in the RFP Section entitled "Proposer Profile"

Proposers' responses will be used in the County's evaluation of the Proposers' general qualifications.

d. Proposer's Proposed Technical Services/Response to items set forth in the RFP Section entitled "Technical Requirements"

This Section will be used in the County's evaluation of the Proposer's proposed technical services.

e. List (if applicable) of Subcontractors

Identify all subcontractors the Contractor plans to use and the function for which such subcontractors will be responsible. Provide qualifications, including prior relevant experience, for all subcontractors anticipated to be used (Reference Section III).

Subcontractors must complete all County forms listed above in paragraph 12(b).

Subcontractors must respond to all questions set forth in the RFP Section entitled "Proposer Profile." This includes financial statements.

Subcontractors must respond to all requirements, to the extent such requirements are applicable to the services they will be providing, set forth in the RFP Section entitled "Technical Requirements."

Failure to include this information in the Proposal may be grounds for disqualification.

f. Conflict of Interest

Proposers must disclose to the County the existence of any conflicts of interests, whether existing or potential. If none exist, state so. Proposals shall disclose:

- i. Any material financial relationships that the Proposer or any employee of the Proposer has that may create a conflict of interest in acting as a Contractor for Suffolk County.
- ii. Any family relationship that the Proposer or any employee of the Proposer has with any County employee that may create a conflict of interest or the appearance of a conflict of interest acting as a Contractor for Suffolk County.
- iii. Any other matter that the Proposer believes may create a conflict of interest or the appearance of a conflict of interest acting as a Contractor for Suffolk County.

g. Proposer's Cost Proposal/Fee Schedule - Response to items set forth in the RFP Section entitled "Cost Proposal/Fee Schedule"

This Section will be used in the County's evaluation of the Proposer's proposed Cost Proposal/Fee Schedule.

- h. Proposals shall be prepared avoiding the use of elaborate promotional materials beyond those sufficient to provide a complete, accurate, and reliable presentation. Each response in a Proposal shall clearly identify the section and paragraph number from the RFP to which it responds.

13. Award Criteria

- | | |
|--|-------------------|
| a. General Qualifications:
Proposer's history, expertise, experience, reliability, financial viability, and references. See RFP Section II, entitled "Proposer's Profile" for specific requirements. | 40 points |
| b. Proposed Technical Services/Products:
Strategies, methodologies, services offered by Proposer. See RFP Section IV, entitled "Technical Requirements" for specific requirements. | 40 points |
| c. Cost Proposal/Fee Schedule
Separate sealed envelope.
See Section entitled "Cost Proposal/Fee Schedule Proposal" for specific requirements. | 20 points |
| Total | 100 points |

14. Contract Terms and Conditions

- a. Reference is made to the Model Contract set forth in Section VI entitled "Model Contract." The Model Contract is included to illustrate general terms and conditions, including indemnification and insurance, which will be included in the contract when executed.
- b. If the Proposer has a concern or question regarding any of the terms and conditions included in the Model Contract, the Proposer should note such concerns or questions in the Proposal. The Proposal must identify any items relating to the Model Contract that the Proposer requests be negotiated.

- c. The Model Contract is subject to revision arising out of the terms and conditions imposed by law and/or deemed appropriate by the County Attorney's Office.
- d. Portions of the Proposal, as may be subsequently modified in negotiations with the County, may be included as exhibits in any contracts that the County may execute with the Proposer.
- e. The County will execute a contract with principal contractors only. Any arrangements, including fee arrangements, partnerships, or collaborations between the principal contractor and subcontractors that provide services as part of the Proposal, must be fully disclosed in the Proposal.
- f. The Proposer should not return the Model Contract with the Proposal.

**15. Use of County Resources to Interfere with Collective Bargaining Activities
Local Law No. 26-2003**

Proposers are advised that the efficient, timely, and nondisruptive provision of goods and services is a paramount financial interest of the County and, as such, the County requires the potential Contractor to protect the County's financial interest by adopting non-confrontational procedures for the orderly resolution of labor disputes, including but not limited to, neutrality agreements, majority authorization card agreements, binding arbitration agreements, fair communication agreements, nonintimidation agreements, and reasonable access agreements.

16. Non-Responsible Bidder

It shall be the duty of the Proposer to read, become familiar with, and comply with the requirements of Article II of Chapter 189 of the Suffolk County Code.

The Proposer certifies that it has complied with the disclosure requirements under section 189-7 of the Suffolk Code, it is in compliance with all applicable licensing laws, and that it either has not engaged in a prohibited act covered under section 189-5 of the Suffolk County Code or is otherwise exempt from the provisions of Article II of Chapter 189 of the Suffolk County Code under section 189-9.

This certification shall be set forth on the LL52-2012 Form "Disqualification of Non-Responsible Bidder."

17. Effective Period of Proposals

All proposals must state the period for which the proposal shall remain in effect (i.e., how much time the County has to accept or reject the proposal under the terms proposed). Such period shall not be less than 180 days from the Proposal due date.

18. NYS Freedom of Information Law (FOIL)

All submissions for the County's consideration will be held in confidence pending final execution of the contract(s) unless disclosure is required by law or judicial order. However, fully executed contracts are subject to the New York State Freedom of Information Law (FOIL), codified at Public Officers Law Article 6. Therefore, if a Proposer believes that any information in its submission constitutes a trade secret or is otherwise information which, if disclosed would cause substantial injury to the competitive position of the Proposer's enterprise, and the Proposer wishes such information to be withheld if requested pursuant to FOIL, the Proposer shall submit with its Proposal a separate letter addressed to the primary contact referenced in this RFP, specifically identifying the page number(s), line(s) or other

appropriate designation(s) of the Proposal containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of the Proposer's enterprise, and formally requesting that such information be kept confidential. Failure by a Proposer to submit such a letter with its submission will constitute a waiver by the Proposer of any interest in seeking exemption of this information under Article 6 of the Public Officers' Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Proposer may be subject to disclosure if it is requested and the County deems it subject to disclosure or if ordered by a court of competent jurisdiction. A request that an entire Proposal be kept confidential may not be considered reasonable since a submission cannot reasonably consist of all data exempt from FOIL.

End of Text for Section I

**Section II
Proposer Profile**

1. General Information/Proposer's History

- a. Firm name and address.
- b. Year founded and brief history of the firm including prior experience.
- c. Total number of offices, addresses for each and the total number of employees (partners, associates, legal assistants and support staff) at each location.
- d. Location(s) from which services will be performed.
- e. Describe the nature of your organization (e.g. business corporation, not-for-profit corporation, proprietorship, etc.).
- f. Describe the firm's practice areas.
- g. Contact person and title.

2. Qualifications and Experience of Personnel

- a. Provide resumes of the partners, associates and other key staff who will be assigned to this account.
- b. For each professional listed above, describe their qualifications and provide information regarding:
 - i. Education;
 - ii. Professional licenses and other affiliations (copies of which shall be submitted with Proposals);
 - iii. Number of years engaged in services relating to the services requested in this RFQ;
 - iv. Other relevant work experience or qualifications;
 - v. The role each identified person would play.
- c. Describe other accounts involving similar services, in particular identify any governmental, public authority, public agency and/or other quasi-governmental entities in New York for which you serve, or have served, as counsel for the services requested in this RFP. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.
- d. Will temporary staff also be involved? If so, include details of their supervision and training.
- e. Identify any of the firm's concurrent material engagements and outstanding current proposals that have the potential to impact the availability of those individuals listed in response to question 2.a. (above) to provide services requested in this RFP.
- f. In addition, the Board may make such investigations as it deems necessary to determine the ability of the Proposer to perform the work. The Proposer shall furnish to the Board, within five (5) business days of a request, all such information and data for this purpose as may be

requested. The Board reserves the right to reject any Proposal if the information submitted by, or investigation of such Proposer fails to demonstrate that such Proposer is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional Proposals will not be accepted.

- g.** Provide a statement as to whether the firm is listed in any directory of counsel for the services requested in this RFP.
- h.** Please list all significant relevant experience in which your firm has acted as General Counsel and Training consultant for the services requested in this RFP for the period 2014 - present.
- i.** Provide any additional information as to why your firm should be selected to provide the services requested in this RFP.
- j.** Identify any unique qualities that set your firm apart from others which should be considered by the Board when selecting a firm(s) to provide the services requested in this RFP.

3. Financial Viability

a. Financial Statements – Mandatory for Nongovernmental Agencies

Requirement specifications:

- i. Current financial statement (if current year not available previous calendar year acceptable) prepared and certified by an Independent Certified Public Accountant (CPA) to include:
 - o Balance Sheet
 - o Income Statement
 - o Statement of Cash Flows
 - o Opinion Letter

- ii. If independently audited financial statement is not available, the most current in-house Company statement to include
 - o Balance Sheet
 - o Income Statement
 - o Statement of Cash Flows
 - o Financial Statement to be signed by one of the following attesting to the accuracy of the statement:
 - Chief Executive Officer (CEO)/Chief Financial Officer (CFO)/Chief Operating Officer (COO)

- iii. Failure to submit complete, comprehensive documents may result in disqualification for consideration of an award.

b. Indebtedness to County, Liens, and Litigation

Submit a statement as to indebtedness, if any, to the County; and a listing of all outstanding liens, if any, against the Proposer. Submit a summary of all litigation, if any, against the Proposer and disposition or outcome of same.

c. Statement Regarding Bankruptcy

Include a statement disclosing any bankruptcy(ies) filed within the last seven (7) years. The statement must include the date the bankruptcy was originally filed, the current status, and, if applicable, the date the bankruptcy was discharged.

4. Client History

Provide a list of all clients for whom you have provided similar services within the last three years. For each client, provide the following:

- a. Client name; and
- b. Client address; and
- c. Contact name, title, and telephone number; and

- d. Description of services provided and time period.

5. References

- a. From the list provided in response to paragraph 4, entitled "Client History," provide three client references for which you have provided services (current governmental or quasi-governmental agencies preferred). Provide name of the organization, services, contact name and telephone number.
- b. Provide a list of all contracts with the County of Suffolk within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

6. Conflicts of Interest and/or Potential Conflicts of Interest

a. Relationships with Third Parties

Any Proposer to the County of Suffolk is charged with the continuing duty to disclose to the County the existence of any interests it may have, contractual or otherwise, ongoing or previous, with any companies or individuals with whom the County of Suffolk does business with respect to the services required by this RFP. This duty continues for so long as the Proposer is retained on behalf of the County or its employees.

b. Relationships with County Departments/Agencies/Employees

Any Proposer to the County of Suffolk is charged with the continuing duty to disclose to the County the existence of any interests it may have, contractual or otherwise, ongoing or previous, with any County department, agency or employee. This duty continues for so long as the Proposer is retained on behalf of the County or its employees.

7. Subcontractors

If you intend to use the services of a subcontractor, please provide all of the above information in this Section for each such subcontractor.

Note that the County must pre-approve the use of any subcontractors.

End of Text for Section II

Section III Background Information

The Board 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 office in Great River.

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 its Mission, the Suffolk County Board of Ethics maintains confidentiality, adheres to its own Code of Ethics, engages in outreach and training of public officials and employees, and recommends new laws to advance its Mission of ethical compliance.

The Suffolk County Board of Ethics is currently seeking proposals from law firms large and small that have demonstrated experience in the following areas of practice: General Municipal Law Article 18, municipal ethics, financial disclosure laws, professional ethics, trainings, adult legal education and lecturing experience. The Board reserves the right to award services to one or more firms and reserves the right to select additional firms in the future for the same areas of practice and for other areas of practice. The firm or firms that may be awarded a contract pursuant to this RFP must work closely with the Board in providing services.

While specific expertise in the aforementioned areas will have intrinsic value, the ability to apply that expertise in the context of municipal representation will likely be considered to have additional value. The County and the Board are committed to engaging firms that will provide high-quality services and are dedicated to containing legal costs.

End of Text for Section III

Section IV Technical Requirements

1. Overview

The Board is currently seeking proposals from law firms large and small that have demonstrated experience in the following areas of practice: General Municipal Law Article 18, municipal ethics, financial disclosure laws, professional ethics, trainings, adult legal education and lecturing experience. The Contractor must provide information as to how the Contractor will provide the listed services set forth in paragraph 2 below.

2. Minimum Requirements for Technical Services Proposals

a. Understanding of the Project

Please state your experience in the following areas:

- i. All municipal ethics boards and other public boards represented by your firm (please include membership size of the public bodies ie.1-5, 6-10, 11-15, 16+); and
- ii. Experience with opinions relating to General Municipal Law Article 18, municipal ethics, financial disclosure laws, or professional ethics; and
- iii. Experience with litigation and/or appeals relating to General Municipal Law Article 18, municipal ethics, or financial disclosure laws; and
- iv. Experience lecturing and authoring publications for adult education and/or articles relating to General Municipal Law Article 18, municipal ethics, or financial disclosure laws; and
- v. Experience with public employee hearings.

b. Key Personnel and Staffing

Key personnel identified in the Proposal will be expected to remain assigned to the project for the term of the contract. Requests for a change in key personnel assignments during the term of the contract must be approved in advance, in writing, by the County. The Proposal should also include a discussion that outlines staffing levels/man-hour requirements that should be expected on the County level to support the implementation and day-to-day operation of the project. This information will be a recommendation only for discussion purposes. The Proposer should describe other potential burdens that may be placed on the County with respect to the servicing of the account.

c. Subcontractors

Services that are to be subcontracted must be clearly defined in the Proposal. The Contractor retains responsibility for all acts and omissions of the subcontractor. The Contractor must obtain the prior approval from the Board for all subcontracts.

Subcontractors must respond to all requirements set forth above in this Section, to the extent such requirements are applicable to the services they will be providing.

The County may require that subcontracted activities be provided under the terms of a three-party contract between the Contractor, the County and the subcontractor.

End of Text for Section IV

Section V
Cost Proposal/Fee Schedule

1. Separate Envelope

Your Original, plus all of your required extra copies of the Cost Proposal/Fee Schedule, should be submitted in one (1) sealed envelope and packaged only in your "Original" proposals set.

Do not include cost information in the body of your Proposal response. Do not include Cost Proposal/Fee Schedules in sealed envelopes in any of the extra sets submitted.

Include the name of your company on each page of your Cost Proposal/Fee Schedule.

2. Cost Proposal/Fee Schedule is One of Several Evaluation Criteria

Based on the evaluation criteria set forth in Section I, entitled "Administrative Information," please note that the County will not necessarily choose the Proposer with the lowest rates for services.

If the Cost Proposal/Fee Schedule involves revenue in any form to the County, please also note that the County will not necessarily choose the Proposer with the highest rates for revenue to the County.

3. Additional Information

The Proposer should provide any additional information it deems necessary to explain or clarify its Cost Proposal/Fee Schedule.

4. Alternative Proposals

The Proposer may submit alternative Technical Proposals and alternative Cost Proposal/Fee Schedules, if there is more than one viable approach to performing the services.

Proposers must supply Cost Proposal/Fee Schedules in the format set forth below. Cost Proposal/Fee Schedules in alternative formats will be reviewed and may be accepted. However, all Proposers, at a minimum, must provide a Cost Proposal/Fee Schedule in the format set forth below. Proposers are requested to submit any additional information, charts, data and descriptions as the Proposer deems necessary for evaluation.

5. Format for Cost Proposal/Fee Schedule

Proposers shall provide a detailed list for anticipated charges it will impose for items that shall or may apply to the Services requested under this RFP. Failure to include a charge or schedules of charges may preclude the Contractor from billing the County for such non-specified items.

All schedules submitted must include the name of the Proposer and must be paginated.

The anticipated term of the Contract is:

The anticipated term of the Contract is two (2) years, commencing on or about January 1, 2020, with three (2) additional one (1) year options to renew, which options are in the sole discretion of the Board, on the same general terms and conditions.

End of Text for Section V

Section VI Model Contract

Consultant/Personal Services Contract

This Contract ("the Contract") is between the County of Suffolk ("the County"), a municipal corporation of the State of New York, acting through its duly constituted Department of (Insert Name) ("the Department"), located at Insert Address; and

Insert Name of Contractor ("the Contractor"), having an address at Insert Address.

The Contractor has been designated to receive funds from the County for Insert Description ("the Services") as set forth in Article I, entitled "Description of Services."

Term of the Contract:

Total Cost of the Contract: Shall not exceed \$x,000.00, as set forth in Article II, attached.

Terms and Conditions: Shall be as set forth in Articles I and II and Exhibits 1 and 2, attached hereto and made a part hereof.

In Witness Whereof, the parties hereto have executed the Contract as of the latest date written below.

Name of Contractor

COUNTY OF SUFFOLK

By: _____
Name
Title
Fed. Tax ID #
Date _____

By: _____
Dennis M. Cohen
Chief Deputy County Executive
Date _____

Approved as to Form:
Dennis M. Brown
County Attorney

Approved:
Department

By: _____
Name
Assistant County Attorney
Date _____

By: _____
Name
Title
Date _____

List of Articles & Exhibits

Article I

Description of Services

Article II

Financial Terms and Conditions

1. Conflicting Provisions
2. General Payment Terms
3. Agreement Subject to Appropriation of Funds
4. Accounting Procedures
5. Audit
6. Comptroller's Rules and Regulations for Consultant's Agreements
7. Specific Payment Terms and Conditions

Exhibit 1

County Terms and Conditions

1. Elements of Interpretation
2. Meanings of Terms
3. Contractor Responsibilities
4. Qualifications, Licenses, and Professional Standards
5. Notifications
6. Documentation of Professional Standards
7. Credentialing
8. Engineering Certificate
9. Termination
10. Indemnification and Defense
11. Insurance
12. Independent Contractor
13. Severability
14. Merger; No Oral Changes
15. Set-Off Rights
16. Non-Discrimination in Services
17. Nonsectarian Declaration
18. Governing Law
19. No Waiver
20. Conflicts of Interest
21. Cooperation on Claims
22. Confidentiality
23. Assignment and Subcontracting
24. Changes to Contractor
25. No Intended Third Party Beneficiaries
26. Certification as to Relationships
27. Publications
28. Copyrights and Patents
29. Arrears to County

30. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction
31. Record Retention
32. Certification Regarding Lobbying
33. Notice

Exhibit 2

Suffolk County Legislative Requirements

1. Contractor's/Vendor's Public Disclosure Statement
2. Living Wage Law
3. Use of County Resources to Interfere with Collective Bargaining Activities
4. Lawful Hiring of Employees Law
5. Gratuities
6. Prohibition Against Contracting with Corporations that Reincorporate Overseas
7. Child Sexual Abuse Reporting Policy
8. Non Responsible Bidder
9. Use of Funds in Prosecution of Civil Actions Prohibited
10. Youth Sports
11. Work Experience Participation
12. Safeguarding Personal Information of Minors
13. Contract Agency Performance Measures and Reporting Requirements
14. Suffolk County Local Laws Website Address
15. Suffolk County Code of Ethics

**Article I
Description of Services**

Whereas, the County issued an Request for Proposals (“RFP”) on ~~11/21/2019~~ and

Whereas, the Contractor submitted a proposal in response to such RFP; and

Whereas, the County has selected the Contractor to provide the services as set forth herein;

Now Therefore, in consideration of the mutual provisions and covenants hereafter set forth, the parties hereto agree as follows:

1. Conflicting Provisions

In the event of any conflict between this **Article I** and any other provision to this Contract, such other provision shall prevail unless it is expressly stated that this **Article I** shall prevail.

2. ~~Services~~

[DEPARTMENT TO INSERT SPECIFIC DESCRIPTION OF SERVICES]

End of Text for Article I

Article II
Financial Terms and Conditions

1. Conflicting Provisions

In the event of any conflict between any provision in this Article II and an exhibit to this Contract, the exhibit shall prevail, unless it is expressly stated in the conflicting provision in this Article II that it shall prevail over the exhibit.

2. General Payment Terms

a. Presentation of Suffolk County Payment Voucher

In order for payment to be made by the County to the Contractor for the Services, the Contractor shall prepare and present a Suffolk County Payment Voucher (Voucher), which shall be documented by sufficient, competent and evidential matter. Each Suffolk County Payment Voucher submitted for payment is subject to Audit at any time during the Term or any extension thereof. This provision shall survive expiration or termination of this Contract for a period of not less than seven (7) years, and access to records shall be as set forth in paragraph 31 of Exhibit 1, and paragraph 4(b) of Article II.

b. Voucher Documentation

The Suffolk County Payment Voucher shall list all information regarding the Services and other items for which expenditures have been or will be made in accordance with the Contract. Either upon execution of the Contract (for the Services already rendered and expenditures already made), or not more than thirty (30) days after the expenditures were made, and in no event after the 31st day of January following the end of each year of the Contract, the Contractor shall furnish the County with detailed documentation in support of the payment for the Services or expenditures under the Contract, e.g., dates of the Service, worksite locations, activities, hours worked, and pay rates for all Services. The Suffolk County Payment Voucher shall include time records, certified by the Contractor as true and accurate, of all personnel for whom expenditures are claimed during the period. All Suffolk County Payment Vouchers must bear a signature as that term is defined pursuant to New York State General Construction Law §46 by duly authorized persons. Disbursements made by the Contractor in accordance with the Contract and submitted for reimbursement must be documented and must comply with accounting procedures as set forth by the Suffolk County Department of Audit and Control.

c. Payment by County

Payment by the County shall be made within thirty (30) days after approval of the Voucher by the Comptroller.

d. Final Voucher

The acceptance by the Contractor of payment of all billings made on an approved voucher shall operate as and shall be a release of the County from all claims by the Contractor through the date of the Voucher.

3. Subject to Appropriation of Funds

- a. The Contract is subject to the amount of funds appropriated each fiscal year and any subsequent modifications thereof by the County Legislature and no liability shall be incurred by the County beyond the amount of funds appropriated each fiscal year by the County Legislature for the Services.
- b. If the County fails to receive Federal or State funds originally intended to pay for the Services, or to reimburse the County, in whole or in part, for payments made for the Services, the County shall have the sole and exclusive right to:
 - i.) determine how to pay for the Services;
 - ii.) determine future payments to the Contractor; and
 - iii.) determine what amounts, if any, are reimbursable to the County by the Contractor and the terms and conditions under which such reimbursement shall be paid.

4. Accounting Procedures

- a. The Contractor shall maintain accounts, books, records, documents, other evidence, and accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of the Contract, in accordance with generally accepted accounting principles and with rules, regulations and financial directives, as may be promulgated by the Suffolk County Department of Audit and Control and the Department. The Contractor shall permit inspection and audit of such accounts, books, records, documents and other evidence by the Department and the Suffolk County Comptroller, or their representatives, as often as, in their judgment, such inspection is deemed necessary. Such right of inspection and audit as set forth in subparagraph (b) below shall exist during the Term and for a period of seven (7) years after expiration or termination of the Contract.
- b. The Contractor shall retain all accounts, books, records, and other documents relevant to the Contract for seven (7) years after final payment is made by the County. Federal, State, and/or County auditors and any persons duly authorized by the County shall have full access and the right to examine any of said materials during said period. Such access is granted notwithstanding any exemption from disclosure that may be claimed for those records which are subject to nondisclosure agreements, trade secrets and commercial information or financial information that is privileged or confidential.

5. Audit

- a. All payments made under the Contract are subject to audit by the Comptroller pursuant to Article V of the Suffolk County Charter. The Contractor further agrees that the Comptroller and the

Department shall have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transactions or other records relating to Services under the Contract. If such an audit discloses overpayments by the County to the Contractor, within thirty (30) days after the issuance of an official audit report by the Comptroller or his duly designated representatives, the Contractor shall repay the amount of such overpayment by check to the order of the Suffolk County Comptroller or shall submit a proposed plan of repayment to the Comptroller. If there is no response, or if satisfactory repayments are not made, the County may recoup overpayments from any amounts due or becoming due to the Contractor from the County under the Contract or any other Fund Source.

- b. The provisions of this paragraph shall survive the expiration or termination of the Contract for a period of seven (7) years, and access to records shall be as set forth in paragraph 31 of Exhibit 1, and paragraph 4(b) of Article II.

6. Comptroller's Rules and Regulations for Consultant's Agreements

The Contractor shall comply with the "Comptroller's Rules and Regulations for Consultant's Agreements" as promulgated by the Department of Audit and Control of Suffolk County and any amendments thereto during the Term of the Contract. The "Comptroller's Rules and Regulations for Consultant's Agreements" may be viewed online at the County's website, SuffolkCountyny.gov; go to "Government," then "Comptroller," then "Consultant's Agreements."

7. Specific Payment Terms and Conditions

[DEPARTMENT TO INSERT SPECIFIC TERMS AND CONDITIONS.]

End of Text for Article II

Exhibit 1
County Terms and Conditions

1. Elements of Interpretation

As used throughout the Contract:

a. Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa. Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons, and shall include successors and assigns.

b. Capitalized terms used, but not otherwise defined herein, shall have the meanings assigned to them in the Contract.

2. Meanings of Terms

As used in the Contract:

“Comptroller” means the Comptroller of the County of Suffolk.

“Contract” means all terms and conditions herein forming all rights and obligations of the Contractor and the County.

“Contractor” means the signatory person, partnership, corporation, association or other entity, its officers, officials, employees, agents, servants, sub-contractors, volunteers, and any successor or assign of any one or more of the foregoing performing the Services.

“County” means the County of Suffolk, its departments, and agencies.

“County Attorney” means the County Attorney of the County of Suffolk.

“Department” means the signatory department approving the Contract.

“Engineering Services” means the definition of the practice of engineering and the definition of practice of land surveying, as the case may be, under Section 7201 and Section 7203 of the State Education Law, respectively.

“Event of Default” means

a. the Contractor’s failure to perform any duty required of it under paragraphs 4 through 7 of this Exhibit 1 of the Contract; or

b. the Contractor’s failure to maintain the amount and types of insurance with an authorized insurer as required by the Contract; or

c. the Contractor’s failure to maintain insurance required by the Contract with an insurer that has designated the New York

Superintendent of Insurance as its lawful agent for service of process; or

d. The Contractor’s failure to comply with any Federal, State or local law, rule, or regulation, and County policies or directives; or

e. The Contractor’s bankruptcy or insolvency; or

f. The Contractor’s failure to cooperate in an Audit; or

g. The Contractor’s falsification of records or reports, misuse of funds, or malfeasance or nonfeasance in financial record keeping arising out of, or in connection with, any contract with the County; or

h. The Contractor’s failure to submit, or failure to timely submit, documentation to obtain Federal or State funds; or

i. The inability of the County or the Contractor to obtain Federal or State funds due to any act or omission of the Contractor; or

j. Any condition the County determines, in its sole discretion, that is dangerous.

“Federal” means the United States government, its departments and agencies.

“Fund Source” means any direct or indirect sum payable to the Contractor by the County pursuant to any lawful obligation.

“Legislature” means the Legislature of the County of Suffolk.

“Services” means all that which the Contractor must do, and any part thereof arising out of, or in connection with, the Contract as described in Article I “Description of Services.”

“State” means the State of New York.

“Suffolk County Payment Voucher” means the document authorized and required by the Comptroller for release of payment.

“Term” means the time period set forth on page one of the Contract and, if exercised by the County, the option period.

3. Contractor Responsibilities

a. It shall be the duty of the Contractor to discharge, or cause to be discharged, all of its responsibilities, and to administer funds received in the interest of the County in accordance with the provisions of the Contract.

b. The Contractor shall promptly take all action as may be necessary to render the Services.

c. The Contractor shall not take any action that is inconsistent with the provisions of the Contract.

d. Services provided under this Contract shall be open to all residents of the County.

4. Qualifications, Licenses, and Professional Standards

a. The Contractor represents and warrants that it has, and shall continuously possess, during the Term, the required licensing, education, knowledge, experience, and character necessary to qualify it to render the Services.

c. The Contractor shall continuously have during the Term all required authorizations, certificates, certifications, registrations, licenses, permits, and other approvals required by Federal, State, County, or local authorities necessary to qualify it to render the Services.

4. Notifications

a. The Contractor shall immediately notify the County, in writing, of any disciplinary proceedings, commenced or pending, with any authority relating to a license held by any person necessary to qualify him or the Contractor to perform the Services.

b. In the event that a person is no longer licensed to perform the Services, the Contractor must immediately notify the County, but in no event shall such notification be later than five (5) days after a license holder has lost the license required to qualify the license holder or the Contractor to perform the Services.

c. In the event that the Contractor is not able to perform the Services due to a loss of license, the Contractor shall not be reimbursed for the Services rendered after the effective date of termination of such license. Without limiting the generality of the foregoing, if any part of the Contract remains to be performed, and the termination of the license does not affect the Contractor's ability to render the Services, every other term and provision of the Contract shall be valid and enforceable to the fullest extent permitted by law.

6. Documentation of Professional Standards

The Contractor shall maintain on file, in one location in Suffolk County, all records that demonstrate that it has complied with paragraphs 4 and 5 above. The address of the location of the aforesaid records and documents shall be provided to the County no later than the date of execution of the Contract. Such documentation shall be kept, maintained, and available for inspection by the County upon twenty-four (24) hours notice.

7. Credentialing

a. In the event that the Department, or any division thereof, maintains a credentialing process to qualify the Contractor to render the Services, the Contractor shall complete the required credentialing process. In the event that any State credential, registration, certification, or license, Drug Enforcement Agency registration, or

Medicare or Medicaid certification is restricted, suspended, or temporarily or permanently revoked, it is the duty of the Contractor to contact the Department, or division thereof, as the case may be, in writing, no later than three (3) days after such restriction, suspension, or revocation.

b. The Contractor shall forward to the Department, or division thereof, as the case may be, on or before July 1 of each year during the Term, a complete list of the names and addresses of all persons providing the Services, as well as their respective areas of certification, credentialing, registration, and licensing.

8. Engineering Certificate

In the event that the Contract requires any Engineering Services, the Contractor shall submit to the County, no later than the due date for submission for approval of any engineering work product, the Certificate of Authorization ("Certificate"), issued pursuant to § 7210 of the New York Education Law, of every person performing any Engineering Services. The failure to file, submit or maintain the Certificate shall be grounds for rejection of any engineering work product submitted for approval.

9. Termination

a. Thirty Days Termination

The County shall have the right to terminate the Contract without cause, for any reason, at any time, upon such terms and conditions it deems appropriate, provided, however, that no such termination shall be effective unless the Contractor is given at least thirty (30) days notice.

b. Event of Default; Termination on Notice

i.) The County may immediately terminate the Contract, for cause, upon such terms and conditions it deems appropriate, in the Event of Default.

ii.) If the Contractor defaults under any other provision of the Contract, the County may terminate the Contract, on not less than five (5) days notice, upon such terms and conditions it deems appropriate.

c. Termination Notice

Any notice providing for termination shall be delivered as provided for in paragraph 33 of this **Exhibit I**.

d. Duties upon Termination

i.) The Contractor shall discontinue the Services as directed in the termination notice.

ii.) Subject to any defenses available to it, the County shall pay the Contractor for the Services rendered through the date of termination.

iii.) The County shall be released from any and all liability under the Contract, effective as of the date of the termination notice.

iv.) Upon termination, the Contractor shall reimburse the County the balance of any funds advanced to the Contractor by the County no later than thirty (30) days after termination of the Contract. The provisions of this subparagraph shall survive the expiration or termination of the Contract.

v.) Nothing contained in this paragraph shall be construed as a limitation on the County's rights set forth in paragraphs 5(c) and 15 of this Exhibit I.

10. Indemnification and Defense

a. The Contractor shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses caused by the negligence or any acts or omissions of the Contractor, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with the Contract.

b. The Contractor hereby represents and warrants that it will not infringe upon any copyright in performing the Services. The Contractor agrees that it shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses arising out of any claim asserted for infringement of copyright, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with any claim asserted for infringement of copyright.

c. The Contractor shall defend the County, its agents, servants, officials, and employees in any proceeding or action, including appeals, arising out of, or in connection with, the Contract, and any copyright infringement proceeding or action. Alternatively, at the County's option, the County may defend any such proceeding or action and require the Contractor to pay reasonable attorneys' fees or salary costs of County employees of the Department of Law for the defense of any such suit.

11. Insurance

a. The Contractor shall continuously maintain, during the Term of the Contract, insurance in amounts and types as follows:

i.) **Commercial General Liability**

insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage. The County shall be named an additional insured.

ii.) **Automobile Liability** insurance (if any non-owned or owned vehicles are used by the Contractor in the performance of the Contract) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence. The County shall be named an additional insured.

iii.) **Workers' Compensation and Employer's Liability** insurance in compliance with all applicable New York State laws and regulations and **Disability Benefits** insurance, if required by law. The Contractor shall furnish to the County, prior to its execution of the Contract, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, the Contract shall be void and of no effect unless the Contractor shall provide and maintain coverage during the Term for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

iv.) **Professional Liability** insurance in an amount not less than Two Million Dollars (\$2,000,000.00) on either a per-occurrence or claims-made coverage basis.

b. The County may mandate an increase in the liability limits set forth in the immediately preceding paragraphs (11)(a)(i), (ii), and (iv).

c. All policies providing such coverage shall be issued by insurance companies authorized to do business in New York with an A.M. Best rating of A- or better.

d. The Contractor shall furnish to the County, prior to the execution of the Contract, declaration pages for each policy of insurance and certificates, other than a policy for commercial general liability insurance, and upon demand, a true and certified original copy of each such policy evidencing compliance with the aforesaid insurance requirements.

e. In the case of commercial general liability insurance the Contractor shall furnish to the County, prior to the execution of the Contract, a declaration page or insuring agreement and endorsement page evidencing the County's status as an additional insured on said policy, and upon demand, a true and certified original copy of such policy evidencing compliance with the aforesaid insurance requirements.

f. All evidence of insurance shall provide for the County to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in the policy to which such evidence relates. It shall be the duty of the Contractor to notify the County immediately of any cancellation, nonrenewal, or material change in any insurance policy.

g. In the event the Contractor shall fail to provide evidence of insurance, the County may provide the insurance required in such manner as the County deems appropriate and deduct the cost thereof from a Fund Source.

12. Independent Contractor

The Contractor is not, and shall never be, considered an employee of the County for any purpose. Notwithstanding anything herein, the Contract shall not be construed as creating a principal-agent relationship between the County and the Contractor or the Contractor and the County, as the case may be.

13. Severability

It is expressly agreed that if any term or provision of the Contract, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of the Contract, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of the Contract shall be valid and shall be enforced to the fullest extent permitted by law.

14. Merger; No Oral Changes

It is expressly agreed that the Contract represents the entire agreement of the parties and that all previous understandings are herein merged in the Contract. No modification of the Contract shall be valid unless in written form and executed by both parties.

15. Set-Off Rights

The County shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the County's option to withhold from a Fund Source an amount no greater than any moneys due and owing to the County for any reason. The County shall exercise its set-off rights subject to approval by the County Attorney. In cases of set-off pursuant to a Comptroller's audit, the County shall only exercise such right after the finalization thereof, and only after consultation with the County Attorney.

16. Non-Discrimination in Services

a. The Contractor shall not, on the grounds of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status:

i.) deny any individual the Services provided pursuant to the Contract; or

ii.) provide the Services to an individual that is different, or provided in a different manner, from those provided to others pursuant to the Contract; or

iii.) subject an individual to segregation or separate treatment in any matter related to the individual's receipt of the Services provided pursuant to the Contract; or

iv.) restrict an individual in any way from any advantage or privilege enjoyed by others receiving the Services provided pursuant to the Contract; or

v.) treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or conditions which individuals must meet in order to receive the Services provided pursuant to the Contract.

b. The Contractor shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, or have the effect of substantially impairing the Contract with respect to individuals of a particular race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, in determining:

i.) the Services to be provided, or

ii.) the class of individuals to whom, or the situations in which, the Services will be provided; or

iii.) the class of individuals to be afforded an opportunity to receive the Services.

17. Nonsectarian Declaration

The Services performed under the Contract are secular in nature. No funds received pursuant to the Contract shall be used for sectarian purposes or to further the advancement of any religion. The Services will be available to all eligible individuals regardless of religious belief or affiliation.

18. Governing Law

The Contract shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venue shall be designated in the Supreme Court, Suffolk County, the United States District Court for the Eastern District of New York, or, if appropriate, a court of inferior jurisdiction in Suffolk County.

19. No Waiver

It shall not be construed that any failure or forbearance of the County to enforce any provision of the Contract in any particular instance or instances is a waiver of that provision. Such provision shall otherwise remain in full force and effect, notwithstanding any such failure or forbearance.

20. Conflicts of Interest

The Contractor shall not, during the Term, pursue a course of conduct which would cause a reasonable person to believe that he or she is likely to be engaged in acts that create a substantial conflict between its obligations under the Contract and its private interests. The Contractor is charged with the duty to disclose to the County the existence of any such adverse interests, whether existing or potential. This duty shall continue as long as the Term. The determination as to whether or when a conflict may potentially exist shall ultimately be made by the County Attorney after full disclosure is obtained.

21. Cooperation on Claims

The Contractor and the County shall render diligently to each other, without compensation, any and all cooperation that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives arising out of, or in connection with, the Contract.

22. Confidentiality

Any document of the County, or any document created by the Contractor and used in rendering the Services, shall remain the property of the County and shall be kept confidential in accordance with applicable laws, rules, and regulations.

23. Assignment and Subcontracting

a. The Contractor shall not delegate its duties under the Contract, or assign, transfer, convey, subcontract, sublet, or otherwise dispose of the Contract, or any of its right, title or interest therein, or its power to execute the Contract, or assign all or any portion of the moneys that may be due or become due hereunder, (collectively referred to in this paragraph 23 as "Assignment"), to any other person, entity or thing without the prior written consent of the County, and any attempt to do any of the foregoing without such consent shall be void ab initio.

b. Such Assignment shall be subject to all of the provisions of the Contract and to any other condition the County requires. No approval of any Assignment shall be construed as enlarging any obligation of the County under the terms and provisions of the Contract. No Assignment of the Contract or assumption by any person of any duty of the Contractor under the Contract shall provide for, or otherwise be construed as, releasing the Contractor

from any term or provision of the Contract.

24. Changes to Contractor

a. The Contractor may, from time to time, with the County's consent, enter into a Permitted Transfer. For purposes of the Contract, a Permitted Transfer means:

i.) if the Contractor is a partnership, the withdrawal or change, voluntary, involuntary or by operation of law, of the partners, or transfer of partnership interests (other than the purchase of partnership interests by existing partners, by the partnership itself or the immediate family members by reason of gift, sale or devise), or the dissolution of the partnership without immediate reconstitution thereof, and

ii.) if the Contractor is a closely held corporation (i.e. whose stock is not publicly held and not traded through an exchange or over the counter),

1. the dissolution, merger, consolidation or other reorganization of the Contractor,

2. the sale or other transfer of twenty percent (20%) or more of the shares of the Contractor (other than to existing shareholders, the corporation itself or the immediate family members of shareholders by reason of gift, sale or devise).

b. If the Contractor is a not-for-profit corporation, a change of twenty percent (20%) or more of its shares or members shall be deemed a Permitted Transfer.

c. The Contractor shall notify the County in writing, which notice (the "Transfer Notice") shall include:

i.) the proposed effective date of the Permitted Transfer, which shall not be less than thirty (30) days nor more than one hundred eighty (180) days after the date of delivery of the Transfer Notice;

ii.) a summary of the material terms of the proposed Permitted Transfer,

iii.) the name and address of the proposed transferee,

iv.) such information reasonably required by the County, which will enable the County to determine the financial responsibility, character, and reputation of the proposed transferee, nature of the proposed assignee/transferee's business and experience;

v.) all executed forms required pursuant to Exhibit 2 of the Contract, that are required to be submitted by the Contractor; and

vi.) such other information as the County may reasonably require.

d. The County agrees that any request for its consent to a Permitted Transfer shall be granted provided that the transfer does not violate any provision of the Contract, and the transferee has not been convicted of a criminal offense as described under Article II of Chapter 189 of the Suffolk County Code. The County shall grant or deny its consent to any request of a Permitted Transfer within twenty (20) days after delivery to the County of the Transfer Notice, in accordance with the provisions of Paragraph 33 of this **Exhibit 1** of the Contract. If the County shall not give written notice to the Contractor denying its consent to such Permitted Transfer (and setting forth the basis for such denial in reasonable detail) within such 20-day period, then the County shall be deemed to have granted its consent to such Permitted Transfer.

e. Notwithstanding the County's consent,

i.) the terms and conditions of the Contract shall in no way be deemed to have been waived or modified, and

ii.) such consent shall not be deemed consent to any further transfers.

25. No Intended Third Party Beneficiaries

The Contract is entered into solely for the benefit of the County and the Contractor. No third party shall be deemed a beneficiary of the Contract and no third party shall have the right to make any claim or assert any right under the Contract.

26. Certification as to Relationships

The Contractor certifies under penalties of perjury that, other than through the funds provided in the Contract and other valid agreements with the County, there is no known spouse, life partner, business, commercial, economic, or financial relationship with the County or its elected officials. The Contractor also certifies that there is no relationship within the third degree of consanguinity, between the Contractor, any of its partners, members, directors, or shareholders owning five percent (5%) or more of the Contractor, and the County. The foregoing certification shall not apply to a contractor that is a municipal corporation or a government entity.

27. Publications

Any book, article, report, or other publication related to the Services provided pursuant to this Contract shall contain the following statement in clear and legible print:

"This publication is fully or partially funded by the County of Suffolk."

28. Copyrights and Patents

a. Copyrights

Any and all materials generated by or on behalf of the Contractor while performing the Services (including, without limitation, designs, images, video, reports, analyses, manuals, films, tests, tutorials, and any other work product of any kind) and all intellectual property rights relating thereto ("Work Product") are and shall be the sole property of the County. The Contractor hereby assigns to the County its entire right, title and interest, if any, to all Work Product, and agrees to do all acts and execute all documents, and to use its best efforts to ensure that its employees, consultants, subcontractors, vendors and agents do all acts and execute any documents, necessary to vest ownership in the County of any and all Work Product. The Contractor may not secure copyright protection. The County reserves to itself, and the Contractor hereby gives to the County, and to any other person designated by the County, consent to produce, reproduce, publish, translate, display or otherwise use the Work Product. This paragraph shall survive any completion, expiration or termination of this Contract.

The County shall be deemed to be the author of all the Work Product. The Contractor acknowledges that all Work Product shall constitute "work made for hire" under the U.S. copyright laws. To the extent that any Work Product does not constitute a "work made for hire," the Contractor hereby assigns to the County all right, title and interest, including the right, title and interest to reproduce, edit, adapt, modify or otherwise use the Work Product, that the Contractor may have or may hereafter acquire in the Work Product, including all intellectual property rights therein, in any manner or medium throughout the world in perpetuity without compensation. This includes, but is not limited to, the right to reproduce and distribute the Work Product in electronic or optical media, or in CD-ROM, on-line or similar format.

b. Patents

If the Contractor develops, invents, designs or creates any idea, concept, code, processes or other work or materials during the Term, or as a result of any Services performed under the Contract ("patent eligible subject matter"), it shall be the sole property of the County. The Contractor hereby assigns to the County its entire right, title and interest, if any, to all patent eligible subject matter, and agrees to do all acts and execute all documents, and to use its best efforts to ensure that its employees, consultants, subcontractors, vendors and agents do all acts and execute any documents, necessary to vest ownership in the County of any and all patent eligible subject matter. The Contractor may not apply for or secure for itself patent protection. The County reserves to itself, and the Contractor hereby gives to the County, and to any other person designated by the County, consent to produce or otherwise use any item so discovered and/or the right to secure a patent for the discovery or invention. This paragraph shall survive any completion, expiration or termination of this Contract.

29. Arrears to County

The Contractor warrants that, except as may otherwise be authorized by agreement, it is not in arrears to the County upon any debt, contract, or any other lawful obligation, and is not in default to the County as surety.

30. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction

In the event that the Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk, Suffolk County Code Article II of Chapter 353, as more fully set forth in Exhibit 2 entitled "Suffolk County Legislative Requirements," the Contractor shall maintain the documentation mandated to be kept by this law on the construction site at all times. Employee sign-in sheets and register/log books shall be kept on the construction site at all times and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the construction site during such working hours.

31. Record Retention

The Contractor shall retain all accounts, books, records, and other documents relevant to the Contract for seven (7) years after final payment is made by the County. Federal, State, and/or County auditors and any persons duly authorized by the County shall have full access and the right to examine any of said materials during said period. Such access is granted notwithstanding any exemption from disclosure that may be claimed for those records which are subject to nondisclosure agreements, trade secrets and commercial information or financial information that is privileged or confidential. Without limiting the generality of the foregoing, records directly related to contract expenditures shall be kept for a period of ten (10) years because the statute of limitations for the New York False Claims Act (New York False Claims Act § 192) is ten (10) years.

32. Certification Regarding Lobbying

Together with this Contract and as a condition precedent to its execution by the County, the Contractor shall have executed and delivered to the County the Certification Regarding Lobbying (if payment under this Contract may exceed \$100,000) as required by Federal regulations, and shall promptly advise the County of any material change in any of the information reported on such Certification, and shall otherwise comply with, and shall assist the County in complying with, said regulations as now in effect or as amended during the term of this Contract.

33. Notice

Unless otherwise expressly provided herein, all notices shall be in writing and shall be deemed sufficiently given if sent by regular first class mail and certified mail, or personally delivered during business hours as follows: 1.) to the Contractor at the address on page 1 of the Contract and 2.) to the County at the Department, or as to either of the foregoing, to such other address as the addressee shall have indicated by prior written notice to the addressor. All notices received by the Contractor relating to a legal claim shall be immediately sent to the Department and also to the County Attorney at 100 Veterans Memorial Highway, P.O. Box 6100, (Sixth Floor), Hauppauge, New York, 11788-0099.

End of Text for Exhibit 1

Exhibit 2
Suffolk County Legislative Requirements

NOTE: THE CONTRACTOR'S COMPLETED LEGISLATIVE REQUIREMENTS FORMS REFERENCED HEREIN ARE AVAILABLE ON FILE AT THE DEPARTMENT NAMED ON THE SIGNATURE PAGE OF THIS CONTRACT.

1. Contractor's/Vendor's Public Disclosure Statement

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section A5-8 of Article V of the Suffolk County Code.

Unless certified by an officer of the Contractor as being exempt from the requirements of section A5-8 of Article V of the Suffolk County Code, the Contractor represents and warrants that it has filed with the Comptroller the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-8 and shall file an update of such statement with the Comptroller on or before the 31st day of January in each year of the Contract's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of the Contract, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Contract.

Required Form:

Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 575, of the Suffolk County Code.

This Contract is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Forms:

Suffolk County Living Wage Form DOL-LW-1/38 (Revised 8/2017) entitled "Suffolk County Department of Labor, LICENSING & CONSUMER AFFAIRS –Notice of Application for County Compensation-LIVING WAGE CERTIFICATION/DECLARATION-SUBJECT TO AUDIT."

3. Use of County Resources to Interfere with Collective Bargaining Activities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article I of Chapter 803 of the Suffolk County Code.

County Contractors (as defined by section 803-2) shall comply with all requirements of Chapter 803 of the Suffolk County Code, including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If the Services are performed on County property, the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, non-intimidation agreement, and a majority authorization card agreement.

If the Services are for the provision of human services and are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Chapter 803, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Form:

Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration - Subject to Audit."

4. Lawful Hiring of Employees Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 353 of the Suffolk County Code.

This Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk. It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have

complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the Contract, and whenever a new contractor or subcontractor is hired under the terms of the Contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of the Contract.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate the Contract for violations of this Law and to seek other remedies available under the law.

The documentation mandated to be kept by this law shall at all times be kept on site. Employee sign-in sheets and register/log books shall be kept on site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the site during such working hours.

Required Forms:

“SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING, & CONSUMER AFFAIRS – NOTICE OF APPLICATION TO CERTIFY COMPLIANCE WITH FEDERAL LAW (8 U.S.C. SECTION 1324A) WITH

RESPECT TO LAWFUL HIRING OF EMPLOYEES, Suffolk County Code, Chapter 353 (2006)” DOL-LHE 1 / 2 (REVISED 8/2017).

5. Gratuities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 664 of the Suffolk County Code.

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of the County or the State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement.

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of sections A4-13 and A4-14 of Article IV of the Suffolk County Code.

The Contractor represents that it is in compliance with sections A4-13 and A4-14 of Article IV of the Suffolk County Code. Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 880 of the Suffolk County Code.

The Contractor shall comply with Article II of Chapter 880, of the Suffolk County Code, entitled “Child Sexual Abuse Reporting Policy,” as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of the Contract with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 189 of the Suffolk County Code.

Upon signing the Contract, the Contractor certifies that it has not been convicted of a criminal offense within the last ten (10) years. The term “conviction” shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under section 189-5 of the Suffolk County Code under “Nonresponsible Bidder.”

9. Use of Funds in Prosecution of Civil Actions Prohibited

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 893 of the Suffolk County Code.

The Contractor shall not use any of the moneys, in part or in whole, and either directly or indirectly, received under the Contract in connection with the prosecution of any civil action against the County in any jurisdiction or any judicial or administrative forum.

10. Youth Sports

It shall be the duty of the Contractor to read, become familiar with, and comply with Article III of Chapter 730 of the Suffolk County Code.

All contract agencies that conduct youth sports programs are required to develop and maintain a written plan or policy addressing incidents of possible or actual concussion or other head injuries among sports program participants. Such plan or policy must be submitted prior to the award of a County contract, grant or funding. Receipt of such plan or policy by the County does not represent approval or endorsement of any such plan or policy, nor shall the County be subject to any liability in connection with any such plan or policy.

11. Work Experience Participation

If the Contractor is a not-for-profit or governmental agency or institution, each of the Contractor's locations in the County at which the Services are provided shall be a work site for public-assistance clients of Suffolk County pursuant to Chapter 281 of the Suffolk County Code at all times during the Term of the Contract. If no Memorandum of Understanding ("MOU") with the Suffolk County Department of Labor for work experience is in effect at the beginning of the Term of the Contract, the Contractor, if it is a not-for-profit or governmental agency or institution, shall enter into such MOU as soon as possible after the execution of the Contract and failure to enter into or to perform in accordance with such MOU shall be deemed to be a failure to perform in accordance with the Contract, for which the County may withhold payment, terminate the Contract or exercise such other remedies as may be appropriate in the circumstances.

12. Safeguarding Personal Information of Minors

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Suffolk County Local Law No. 20-2013, a Local Law to Safeguard the Personal Information of Minors in Suffolk County.

All contract agencies that provide services to minors are

required to protect the privacy of the minors and are strictly prohibited from selling or otherwise providing to any third party, in any manner whatsoever, the personal or identifying information of any minor participating in their programs.

13. Contract Agency Performance Measures and Reporting Requirements

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Suffolk County Local Law No. 41-2013, a Charter Law to Implement Performance Measurement to Increase Accountability and Enhance Service Delivery by Contract Agencies (Article VIII of Chapter 189 of the Suffolk County Code).

All contract agencies having a contract in excess of \$50,000 shall cooperate with the contract's administering department to identify the key performance measures related to the objectives of the service the contract agency provides and shall develop an annual performance reporting plan. The contract agency shall cooperate with the administering department and the County Executive's Performance Management Team to establish working groups to identify appropriate performance indicators for monthly evaluation of the contract agency's performance measures.

14. Suffolk County Local Laws Website Address

Suffolk County Local Laws, Rules and Regulations can be accessed on the homepage of the Suffolk County Legislature.

15. Suffolk County Code of Ethics

As required by Suffolk County Standard Operating Procedure A-06, the following is a link to the Suffolk County Ethics Booklet, which contains the provisions of the Suffolk County Code of Ethics:

<http://www.suffolkcountyny.gov/Portals/0/Boardofethics/Code%20of%20Ethics%20Booklet%20-%20New%20Revised%20May%202017.pdf>

End of Text for Exhibit 2

**Suffolk County Required Compliance Forms
In Accordance with County Laws**

These mandatory forms are available on Suffolk County Purchasing Website by registering on the website for the RFP.

To register, access the website: www.suffolkcountyny.gov : Select Business tab; click on Bids & Proposals; follow links to Purchasing site to register and download document. By registering, you will automatically receive all future addenda.

LL52-2012 – Disqualification of Non-responsible Bidders

Suffolk County Form 22 – Contractor's/Vendor's Public Disclosure Statement

FTS Form – Non-Collusive Offer Certification

LHE-1/2 Form – Lawful Hiring

LW 1/38 Form – Suffolk County Living Wage

DOL-L01- Suffolk County Union Organizing Certification/Declaration
(Note: this Form will be required only from the Apparent Successful Proposer)

Lobbying Certification Form

Addendum No. ONE

Request for Proposals (RFP) 19040

**The Suffolk County Purchasing Office
Acting as the Issuing Agent for the
Suffolk County Board of Ethics
Is seeking Submissions from Qualified Providers to
Provide Legal Counsel and Ethics Training Services**

Purposes of Addendum

Technical Questions and Answers

Name: Thomas Malanga
Intergovernmental Relations Coordinator
Suffolk County Purchasing Office, Room 103
335 Yaphank Avenue, Yaphank, NY 11980

Tel. (631) 852-5196

Fax: (631) 852-5221

Email: Thomas.Malanga@suffolkcountyny.gov

Response Package Requirements

Proposers should refer to the Response Package Requirements as listed on Page 1 of the RFP.

1. Technical Questions and Answers

Q: Approximately how many hours a month should the Contractor expect to spend providing services to the Board if awarded a Contract under this RFP?"

A: The vendor service hours are variable as outside counsel services are based on Board of Director meetings, initiatives, directives, investigations, requests for outside counsel legal opinions, litigation, live trainings, and requests/ demands sent to the Board. Services provided on a monthly basis have ranged from approximately 4 to 75 hours a month.

END OF TEXT FOR ADDENDUM NO. ONE

EXHIBIT M

Intro. Res. No. 1022-2019
Introduced by Legislator Hahn

Laid on Table 2/13/2019

**RESOLUTION NO. 174 -2019, REAPPOINT MEMBER TO THE
SUFFOLK COUNTY BOARD OF ETHICS (ANTHONY M.
PARLATORE, ESQ.)**

WHEREAS, Local Law No. 56-2011 established a five (5) member Board of Ethics; and

WHEREAS, Anthony M. Parlature's appointment to the Suffolk County Board of Ethics is set to expire on March 27, 2019; now, therefore be it

1st RESOLVED, that Anthony M. Parlature, Esq. of Stony Brook, New York, is hereby reappointed to the Suffolk County Board of Ethics as the appointment of the Majority Leader, for a term of office to expire on March 27, 2023.

DATED: March 5, 2019

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION C30-2(A) OF THE SUFFOLK COUNTY CHARTER

Intro. Res. No. 1237-2018

Laid on Table 3/6/2018

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 167 -2018, TO APPOINT MEMBER OF
SUFFOLK COUNTY BOARD OF ETHICS (DAVID BEKOFSKY)**

WHEREAS, Local Law No. 56-2011, codified in Article XXX of the Suffolk Charter, established the Suffolk County Board of Ethics to administer and enforce the County's conflict of interest and disclosure rules; and

WHEREAS, pursuant to section C30-2(A) of the Charter, the County Executive appoints two (2) members of the Board of Ethics subject to the approval of the County legislature; and

WHEREAS, the term of Richard Halverson expires on April 6, 2018 and he has declined reappointment; and

WHEREAS, the County Executive has nominated David Bekofsky of East Setauket, New York, to serve as a member of the Board of Ethics; now, therefore be it

1st RESOLVED, that, David Bekofsky, currently residing in, East Setauket, New York 11733 is hereby appointed to the Suffolk County Board of Ethics as the County Executive's appointment, effective April 7, 2018; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 20, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 30, 2018

Intro. Res. No. 1314-2016
Introduced by Presiding Officer Gregory

Laid on Table 3/22/2016

**RESOLUTION NO. 328 -2016, REAPPOINT MEMBER OF
SUFFOLK COUNTY BOARD OF ETHICS (DENNIS
O'DOHERTY)**

WHEREAS, Local Law No. 56-2011 established a new Suffolk County Board of Ethics to administer and enforce the County's conflict of interest and disclosure rules; and

WHEREAS, pursuant to Local Law No. 56-2011, the Presiding Officer of the County Legislature appoints one (1) member to the Board of Ethics, subject to legislative approval; now, therefore be it

1st RESOLVED, that **Dennis O'Doherty** of Sayville, New York, is hereby reappointed to the Suffolk County Board of Ethics as the appointment of the Presiding Officer, for a term to expire on March 26, 2020.

DATED: April 12, 2016

APPROVED PURSUANT TO SECTION C2-2 SUFFOLK COUNTY CHARTER AND LOCAL
LAW 56-2011

Intro. Res. No. 1479-2018
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 5/15/2018

**RESOLUTION NO. 494 -2018, REAPPOINT MEMBER TO THE
SUFFOLK COUNTY BOARD OF ETHICS (ERIC A. KOPP)**

WHEREAS, Local Law No. 56-2011, codified in Article XXX of the Suffolk Charter, established the Suffolk County Board of Ethics to administer and enforce the County's conflict of interest and disclosure rules; and

WHEREAS, pursuant to section C30-2(A) of the Charter, the County Executive appoints two (2) members of the Board of Ethics subject to the approval of the County Legislature; and

WHEREAS, Eric A. Kopp's term of office as a member of the Suffolk County Board of Ethics is set to expire June 26, 2018; and

WHEREAS, County Executive Steven Bellone has nominated Eric A. Kopp, of Coram, New York to serve another term as a member of the Board of Ethics; now, therefore be it

1st **RESOLVED**, that, Eric A. Kopp, of Coram, NY 11727, is hereby reappointed to the Suffolk County Board of Ethics for a term of office to expire on June 26, 2020 and it be further

2nd **RESOLVED**, that this legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(C) (20), (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 5, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 18, 2018

Intro. Res. No. 1963-2018
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 10/2/2018

**RESOLUTION NO. -2018, AMENDING RESOLUTION NO.
494-2018, TO REAPPOINT MEMBER TO SUFFOLK COUNTY
BOARD OF ETHICS (ERIC A. KOPP)**

WHEREAS, Resolution No. 494-2018, reappointing Eric A. Kopp to the Suffolk County Board of Ethics contained a technical error in that the term of appointment is incorrectly set to expire after two-years instead of four years, and should be amended; now, therefore be it

1st **RESOLVED**, that the 1st Resolved Clause of Resolution No. 494-2018 is hereby repealed in its entirety and replaced as follows:

RESOLVED, Eric A. Kopp, of Coram, New York, is hereby reappointed to the Suffolk County Board of Ethics as the County Executive's appointment, for a term to expire June 26, 2022; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Intro. Res. No. 1427-2019
Introduced by Legislator Cilmi

Laid on Table 5/14/2019

**RESOLUTION NO. 631 -2019, REAPPOINT MEMBER TO THE
SUFFOLK COUNTY BOARD OF ETHICS (LINDA A. SPAHR)**

WHEREAS, Local Law No. 56-2011 established a five-member Board of Ethics;
and

WHEREAS, Linda Spahr's appointment to the Board of Ethics is set to expire on
June 26, 2019; now, therefore be it

1st RESOLVED, that, Linda A. Spahr, Esq. of Saint James, New York, is hereby
reappointed to the Suffolk County Board of Ethics as the appointment of the Minority Leader, for
a term of office to expire on June 26, 2023.

DATED: June 4, 2019

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION C30-2(A) OF THE SUFFOLK COUNTY
CHARTER

EXHIBIT N

Suffolk County Legislature Introductory Resolutions Search Results

Introductory Resolution: [1022](#) IR Year: 2019
 Resolution: 174 Res Year: 2019
 Title: Reappoint Member to the Suffolk County Board of Ethics (Anthony M. Parlatore, ESQ.)
 Date Laid on the Table: 02/13/2019
 Sponsor: Kara Hahn
 Co-Sponsor(s):
 Committee: WAYS & MEANS
 Final Legislative Action: Adopted / Charter Approved 03/05/2019
 Final Executive Action:
 Legislative Veto Action:
 Vote Summary: YES 16 Kara Hahn, Al Krupski, DuWayne Gregory, William Spencer, Robert Trotta, Steven Flotteron, William Lindsay III, Leslie Kennedy, Susan Berland, Rudy Sunderman, Tom Muratore, Kevin McCaffrey, Sarah Anker, Bridget Fleming, Robert Calarco, Tom Cilmi NO 0 NOT PRESENT 1 Thomas Donnelly
 ABSTAIN 0 RECUSED 0
[Financial Impact Statement](#) [Backup Documentati](#)

Introductory Resolution: [1427](#) IR Year: 2019
 Resolution: 631 Res Year: 2019
 Title: Reappoint member to the Suffolk County Board of Ethics (Linda A. Spahr).
 Date Laid on the Table: 05/14/2019
 Sponsor: Tom Cilmi
 Co-Sponsor(s):
 Committee: WAYS & MEANS
 Final Legislative Action: Adopted / Charter Approved 06/04/2019
 Final Executive Action:
 Legislative Veto Action:
 Vote Summary: YES 18 Kara Hahn, Al Krupski, Samuel Gonzalez, DuWayne Gregory, William Spencer, Robert Trotta, Steven Flotteron, William Lindsay III, Leslie Kenned Susan Berland, Rudy Sunderman, Thomas Donnelly, Tom Muratore, Kevin McCaffrey, Sarah Anker, Bridget Fleming, Robert Calarco, Tom Cilmi NO 0 NO
 PRESENT 0 ABSTAIN 0 RECUSED 0
[Financial Impact Statement](#) [Backup Documentati](#)

*This link connects to a PDF document which contains all materials pertaining to the packet of Introductory Resolutions (IR) Laid on the Table at a General meeting of the Legislature. Once the PDF is open, search for, the IR for which back-up is needed. The back-up materials, if any, that were filed with a resolution will appear immediately following the resolution in the PDF document.

This back-up may not be complete. Please contact the [Clerk of the Legislature](#) (853-4074) to determine if additional back up was added after the Laid on the Table Date.

©Suffolk County Legislature - Update Rel

EXHIBIT O

SUFFOLK COUNTY BOARD OF ETHICS



3500 Sunrise Highway, Room 364

Great River, New York 11739

Resolution 001/2019

WHEREAS, on August 7, 2019, the Board of Ethics voted to support amendments to local law that expand transparency for the public and directed Resolution 001/2019 be drafted to memorialize the below motion and vote thereof; and

WHEREAS, Article II FINANCIAL DISCLOSURE, Section 77-10, of the Suffolk County Code authorizes the Board of Ethics, and staff, to review and provide access for public inspection of County Financial Disclosure Forms under Section 77-14;

NOW THEREFORE,

The Board of Ethics hereby affirms the duties of the Board and their staff under Section 77-14 to provide public access through FOIL requests. The Board further affirms through a unanimous vote of 5-0-0 that production and availability of the County Financial Disclosure Forms on the Suffolk County Board of Ethics website for Elected Official and Candidate filers would further the transparency goals and open government in benefit of the public.

Now, on a motion of Eric A. Kopp, seconded by Anthony Parlatore.

Be It Resolved that should the above duties and responsibilities of making County Financial Disclosure Forms available through FOIL be proposed by the County Legislature to be expanded to include publishing of such County Financial Disclosure forms on the County Website for Elected Officials and Candidates, such publication duties of the Board and Staff would be effective immediately upon notification of the effective date from the Suffolk County Legislature.

The Board continues to direct such forms be produced through FOIL pursuant to local laws in the interim.

Resolution # 001/2019.

Upon a vote being taken, the motion was approved. (5-0-0)

Eric A. Kopp – Chair
August 7, 2019

EXHIBIT P

**SUFFOLK COUNTY BOARD OF ETHICS
SUFFOLK COUNTY, NEW YORK**

Notice of 2019 Public Meetings

Notice is hereby given that the Suffolk County Board of Ethics will convene a public meeting at 9:30 a.m. in the Office of the Board of Ethics Located in the Sunrise Business Center At 3500 Sunrise Highway, Great River, New York 11739, on the following 2019 dates:

- January 2
- January 16
- February 6
- February 20
- March 6
- March 20
- April 3
- April 17
- May 1
- May 15
- June 5
- June 19
- July 3
- July 17
- August 7
- August 21
- September 4
- September 18
- October 2
- October 16
- November 6
- November 20
- December 4
- December 18

Pursuant to the Citizens Participation Act, all interested persons are invited to submit testimony, either orally or in writing, at the meeting.

Please enter through the Building 300 Main Entrance.

Suffolk County Board of Ethics
December 27, 2018

Please call the office at 631-854-0022 for information or assistance.

EXHIBIT Q

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.



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

*Training,
Transparency,
and Trust.*

Advisory Opinions



ETHICS Advisory Opinions

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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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Prohibited Interests



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Prohibited Interests



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www.SuffolkCountyNY.Gov



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.



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



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.



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

*Training,
Transparency,
and Trust.*

No Gifts from Lobbyists



§77-3 (G) Prohibited Conduct

No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist. Penalties can be fines up to \$10,000 and a misdemeanor.

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



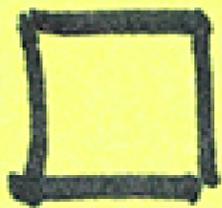
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Office: 631.854.0022
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Transparency,
and Trust.*

Educate Yourself



NOW



LATER

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.



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



Educate Yourself

\$10,000.00

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

ETHICS Penalties for Offenses

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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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*Training,
Transparency,
and Trust.*

2019 SCBE HOLIDAY GIFT REMINDER



SUFFOLK COUNTY CODE

§ 77-3. Prohibited Conduct (Gifts)

- E. No public servant shall solicit or accept any gift having a value of \$75 or more from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.
- F. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action
- G. No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist.

§ 77-5. Exemptions

This article *shall not* prohibit:

- G. An elected official from accepting an invitation to, and attending and participating in, an event sponsored by a community group or organization.

Common SCBE Gifting Topics

1. A complimentary ticket to an elected official or supervisory official to not-for profit event (see SCBE Advisory Opinions # 2013-11, # 2017-6, # 2018-7)
2. Door prizes and raffles prizes (see SCBE Advisory Opinion # 2013-11, 2017-6)
3. Statuettes of no resale value (see SCBE Advisory Opinion # 2016-12)
4. Gifts between co-workers (see SCBE Advisory Opinion # 2015-17)



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