

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.

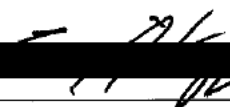
CONCLUSION

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 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.