


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

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In the Matter of the Inquiry of

 in capacity as a
Former Assistant County Attorney

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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

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§ 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