

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

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

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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.

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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.
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The forgoing is the opinion of the Board.

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

A handwritten signature in black ink, appearing to read "E. A. Kopp", is written over a thick black horizontal redaction bar.

Eric A. Kopp – Chair.