

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.

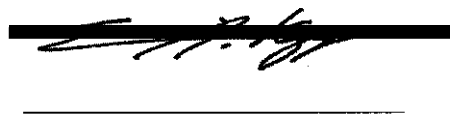
**CONCLUSION**

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