

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 2020-2
May 6, 2020

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. The employee holds the title of Examiner I in the Department’s emergency need unit and was recently hired by the County on March 9, 2020.

The outside employment submitted for review pre-existed County employment and is with the Suffolk County [REDACTED] having commenced on 12/31/19. This entity has a long standing contractual relationship with the County of Suffolk.¹ The requesting Supervisory Official has asserted that while there is not the same population being served in both job titles, there is a potential for interacting with the same population served in the County².

The Board issued this advisory opinion, determined by majority vote, that under Suffolk County Code Chapter 77 Section 77-3(B), that there is an impermissible conflict under the facts presented due to the contractual relationship between the County Department served by the employee being the direct outside employer.

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

Procedural History: This request was received on 3/27/2020, standing vote occurred on 4/1/2020, and the Board vote occurred on 5/6/2020 (within the 45 days of conclusion on fact finding pursuant to the Suffolk County Code).

¹ Fact finding provided by the Requestor sets forth that as to the Suffolk County [REDACTED], “Pass through funding from New York State OCFS (\$1,000,000) for licensing and registration of informal child care facilities and - this contractual relationship with DSS dates back 30 years. Supportive Services Contract for \$125,000. – this contractual relationship dates back to 2007”.

² The Suffolk County [REDACTED] provides educational resources, referral services, and advocates for quality early care and education to become an integral part of society for the children and families throughout all of Suffolk County’s diverse communities. This part time job in the Parent Leadership initiative has job responsibilities inclusive of one evening a week, lecturing, organizing child care, and a variety of community outreach. The employee’s County job duties in the County are to assess applicant eligibility, prepare budgets, provide referrals, and review where possible fraud is indicated.”

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On 5/6/2020, the Board determined by majority vote that there is an impermissible 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 an Examiner I hired March 9, 2020 in the Department’s emergency need unit (fact finding concluded that over 300 persons hold this position/title)³. The employee’s job duties in the County are to assess applicant eligibility, prepare budgets, and make referrals where possible fraud is indicated. The employee’s duties as a Social Services Examiner I does not include determining eligibility for child care subsidy benefits. The pre-existing outside employment is with the Suffolk County [REDACTED] which commenced 12/31/19. The outside employment is with the Parent Leadership initiative, with job duties one evening a week, lecturing, organizing child care, and a variety of community outreach. Additionally, fact finding concluded that this entity has a long standing contractual relationship with the County of Suffolk.⁴ The Requesting Supervisory Official has asserted that while there is not the same population being served in both job titles, there is a potential for interacting with the same population served in the County.

In reviewing, the Board applied 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”. Upon application of the facts submitted, the Board concludes that under § 77-3 (B), that due to the contractual relationship with the Department, that this direct outside employment with the contracting entity is an impermissible conflict.

CONCLUSION

The Board issues this advisory opinion that under § 77-3(B), the stated prospective outside employment does create an impermissible conflict due to the long standing contractual relationship between the County and the outside employer entity.

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 advisory opinion of the Board by majority vote.

Dated: Hauppauge, New York
May 6, 2020


Eric A. Kopp – Chair

³ This request included a County SOP outside employment form

⁴ Fact finding provided by the Requestor sets forth that as to the Suffolk County [REDACTED], “Pass through funding from New York State OCFS (\$1,000,000) for licensing and registration of informal child care facilities and - this contractual relationship with DSS dates back 30 years. Supportive Services Contract for \$125,000. – this contractual relationship dates back to 2007”.