

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2017-6
May 3, 2017

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: It is not a prohibited gift for a County employee, as part of their job duties, to attend fundraisers of not-for-profit agencies in contract with their Department.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Chapter 77, §77-3(c), §77-3(e), §77-3(f), and §77-5(g), the Suffolk County Board of Ethics Rules.

Procedural History: This Advisory Opinion was requested 4/13/17. Fact finding was concluded on 5/1/17. The Board voted on this Advisory Opinion request on 5/3/17.

Opinion: The Requestor is a Director in the Division of [REDACTED]. She is requesting an opinion as to whether it is a violation of the gifting laws if she attends and participates in fundraisers for not-for-profit agencies that are in contract with the Department.

As the documentary evidence submitted by the Requestor satisfied the Board's factual inquiries, 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 County employee which requires her compliance with the Suffolk County Ethics Laws¹ (*Suffolk County Administrative Code §A30-1, Chapter 77, §77-1, NYC COIB Advisory Opinion 2009-4*). The Board determined that the request is within the Board's jurisdiction.

As applied, under the facts presented, the Board finds that a County employee's attendance as part of their job duties at a not for profit fundraiser *is not a gift* under the Suffolk County Ethics Laws. However, similar to an elected official's attendance at events, raffles prizes and any gifts that occur during the aforementioned events must be assessed in value with respect to the \$75.00 maximum under the current County law.

CONCLUSION

As set forth above, the Board finds that attendance at a job related function would not be a gift from which the acceptance would be in violation of §77-3(c), §77-3(e), §77-3(f) and is a permissible under §77-5(g). The Board also finds the Requestor presenting a proclamation at the aforementioned events would not violate the Suffolk County ethics laws.

The forgoing is the opinion of the Board.
Dated: Yaphank, New York
5/3/17

Linda. A. Spahr - Chair

¹ N.Y. Gen Mun. Law § 810 (6). Additional definitions; Suffolk County §77-1 definitions