

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2017-11
August 2, 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: Under the facts presented to the Board, a County entomologist's potential future business of insect treatment of private property, or employment with a tree company who does not have county contracts, conducted off of county time, is not an impermissible conflict.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions, the Suffolk County Board of Ethics Rules, 77-2(B) and § 77-2(D)(3).

Procedural History: This Advisory Opinion Standing vote occurred on 7/19/17 and the Board has determined there is not a conflict of interest under the facts presented.

Opinion: The Requestor is an entomologist at Suffolk County Vector Control. He has inquired with the Board if proposed outside business treating insects including ticks on private property outside of County work hours is prohibited under the Suffolk County conflicts laws.

In considering this inquiry, the Board employed the following three-step analysis to determine whether a prohibited conflict of interest would exist:

- a) Does the requestor have standing to obtain an Advisory Opinion from the Suffolk County Board of Ethics;
- b) Is the requestor seeking advice on proposed future conduct;
- c) Whether a conflict of interest exists requiring declination of the outside income.

The Board determined that County employees have standing for this Advisory Opinion, deeming the Requestor a "public servant" and binding the Requestor to the Suffolk County Ethics Laws (*People of the State of New York v. Adolphus Ebuzome* 435 N.Y.S.2d 243, NYC COIB Advisory Opinion 2009-4).

The Board finds under § 77-2(D)(3), that the Requestor, who is a public servant, did comply with the directives set forth in this subsection by asking the Board in a timely manner as required to determine if there was a conflict. The Board further finds that under 77-2(B), "no County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County".

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Upon fact finding inquiry, the Requester asserted that his job at Suffolk County includes tick treatment. His immediate supervisor wants to know if there is conflict with potential future outside employment with a tree care company or his own future outside business assuming neither has a County contract.

Conclusion: The Board finds upon review of the facts presented, that the proposed future conduct is not an impermissible conflict of interest.

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 opinion of the Board.

Dated: Great River, New York
8/2/2017

Linda A. Spahr, Esq. - Chair