

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

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In the Matter of the Inquiry of

██████████ in capacity of
Suffolk County Council on Environmental Quality
Member (Dredge Screen Committee)

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COUNTY BOARD OF ETHICS
Advisory Opinion 2018-10
June 20, 2018

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 member of the Suffolk County Council on Environmental Quality¹ (Dredge Screen Committee), has submitted this request. The Requestor is asking the Board if he can partake in matters on the “Dredge Screen Committee” that involve a Town boat channel dredging project even though he was a Village member until 2012 on the Local Waterfront Management Commission. Upon review of the information submitted, the Board finds that it is not an impermissible conflict for the Requestor to take part in these “Dredge Screen Committee” matters.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE and COIB Advisory Opinions; Suffolk County Code Chapter 77, and the Suffolk County Board of Ethics Rules.

Procedural History: Fact finding concluded on 6/15/2018 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 6/20/2018. The Board determined by majority vote that there is not an impermissible conflict of interest under the facts presented.

Opinion: The Requestor, a member of the Suffolk County Council on Environmental Quality (Dredge Screen Committee), has submitted this request. The Requestor is asking the Board if he can partake in matters on the “Dredge Screen Committee” that involve a Town boat channel dredging project even though he was a Village

¹ The Council on Environmental Quality was established in 1970 by Article I of the Suffolk County Charter otherwise known as the Environmental Bill of Rights. In 1972 the County established the Suffolk County Historic Trust and appointed the CEQ members as trustees. The Council’s primary responsibilities include providing advice and assistance to any department, board, commission or agency of Suffolk County government on the implementation of and compliance with the State Environmental Quality Review Act. In addition, the Council may make recommendations to the County Legislature and County Executive as to what county-owned properties should be dedicated to the county nature preserve or historic trust and what properties not owned by the county should be acquired for purposes of dedication. The Council also serves an important role examining developments in the County that are likely to have an impact on the quality of the environment. Under its mandated Charter responsibilities, the Council is advisory to both the County Executive and Legislature” See www.suffolkcountyny.gov/Departments/Planning/Boards/CouncilonEnvironmentalQuality.aspx“.

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member until 2012 on the Local Waterfront Management Commission. The Board determined that standing exists for this Advisory Opinion request due to the Requestor's position as a member of the Suffolk County Council on Environmental Quality, and within the Board's jurisdiction as future conduct.

§ 77-3. 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. 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.

The facts presented to the Board reflect that the Requestor's Village membership until 2012 on the Local Waterfront Management Commission, do not show proposed future conduct that would be prohibited under §77-3 that 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". Therefore, this proposed future conduct does not cause an impermissible conflict for voting purposes as a member of the Suffolk County Council on Environmental Quality (Dredge Screen Committee). As such, recusal on such matters are not required under Suffolk County Code §77-7.

CONCLUSION

Accordingly, the Board finds that pursuant to the Suffolk County Code, the requested future conduct, as described herein, is not a conflict.

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
June 20, 2018

Eric A. Kopp - Chair