

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

-----X  
In the Matter of the Inquiry of

██████████ in capacity of  
Suffolk County Planning Commissioner

-----X

STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2018-1  
February 7, 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 Suffolk County Planning Commissioner, has submitted a request asking if he can partake in matters before the Planning Commission that involve former clients of a law firm that he was an associate to 31 years ago. Upon review of the information submitted, the Board finds that it is not an impermissible conflict for the Planning Commissioner to partake in matters before the Planning Commission that involve former clients of a law firm that he was an associate to 31 years ago.

**Analyzed Laws and Rules:** The Laws of Suffolk County; Suffolk County Administrative Code XXX, SCBE and COIB Advisory Opinions; and Suffolk County Code Chapter 77, Chapter 77-1 definition of “associated person”, Section 77-3(C), 77-7, and the Suffolk County Board of Ethics Rules.

**Procedural History:** Fact finding concluded on 1/29/2018 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 2/7/18. The Board determined by majority vote that there is not an impermissible conflict of interest under the facts presented.

**Opinion:** The Requestor, a Suffolk County Planning Commissioner has submitted a request asking if he can partake in matters before the Planning Commission that involve former clients of a law firm that he was an associate to 31 years ago. The Board determined that standing exists for this Advisory Opinion request due to the Requestor’s position as a Suffolk County Planning Commissioner, and within its jurisdiction as future conduct (*Suffolk County Administrative Code §A30-1, §A30-3, Suffolk County Code Chapter 77, §77-1*).

**§ 77-1. DEFINITIONS**

**ASSOCIATED:** A person or firm associated with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial interest; and each firm in which the public servant has an interest.

**§ 77-3. PROHIBITED CONDUCT.**

STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2018-1  
February 7, 2018

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 set forth to the Board reflect that the Planning Commissioner's former employer's client from 31 years ago is not an associated person. As such, recusal on such matters is 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  
February 7, 2018

---

Eric A. Kopp - Chair