

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

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In the Matter of the Inquiry of

██████████, Employee
of the Suffolk County Department of Social Services

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STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS

Advisory Opinion 2018-3

February 21, 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 an employee of the Suffolk County Department of Social Services has requested a conflict check advisory opinion to become employed with an entity she interacts with in her County job duties that is a current vendor to the Department of Social Services. Due to the prospective outside employer being an active vendor with the Department of Social Services which also interacts with the Requestor in the scope of her County job duties, the outside employment is an impermissible conflict under Suffolk County Code 77-3 (B) and 77-3 (C).

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

Procedural History: This Advisory Opinion request was received on 2/13/2018. The Board voted on this Advisory Opinion on 2/21/2018.

Opinion: The topic on employee-vendor employment conflicts has been previously presented to the Suffolk County Board of Ethics in multiple Advisory Opinions rendered to the Department of Social Services. The Board has previously opined that such interaction is in conflict with the proper discharge of his or her official duties.

“The Suffolk County Ethics law provides that, “[n]o 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 or a person or firm associated with the public servant.” As applied, the employee’s action of securing outside employment with a vendor who serves the County is clearly a use of his or her official position, title, and job duties to benefit her financially. *Suffolk County Code, § 77-3(C).*

Although fact finding with this Requestor determined that the Requestor is not on any RFP/RFQ committees for

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2018-3
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the Department, this does not mitigate the conflict of the prospective outside employer being a County vendor. Additionally, the Requestor works with this vendor in the scope of her employment with Suffolk County DSS.

The Board's opinion on this topic remains that this outside employment is impermissible under § 77-3(B). § 77-3(B) states, "No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which in is conflict with the proper discharge of his or her official duties". Accordingly the Board finds that outside employment from a vendor who the employee interacts with in their job duties is a direct conflict with the proper discharge of County duties.

Additionally, due to the employee being solicited for outside employment from an active vendor she interacts with at the Department of Social Services, the prospective outside employment is an impermissible conflict under Suffolk County Code 77-3(C).

CONCLUSION

Accordingly, the Board finds that pursuant to the Suffolk County Code, the requested future conduct, as described herein, is a conflict under both § 77-3(B) and § 77-3(C).

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 21, 2018

Eric A. Kopp - Chair