

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

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In the Matter of the Inquiry of

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STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS

Advisory Opinion 2018-6

April 4, 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: A Suffolk County Assistant District Attorney has inquired if acceptance of deferred compensation earned during the reporting year (prior to employment with Suffolk County) in the form of 18B panel compensation is permissible under the Suffolk County Code of Ethics.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77.

Procedural History: Fact finding concluded on 4/3/2018 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 4/4/2018. The Board determined by majority vote that there is no conflict of interest under the Suffolk County Code of Ethics in the acceptance of 18B panel compensation for work performed prior to County employment.

Opinion: The Requestor is a Suffolk County Assistant District Attorney who has inquired if acceptance of deferred compensation earned during the reporting year (prior to employment with Suffolk County) in the form of 18B panel compensation is permissible under the Suffolk County Code of Ethics. (*Requestor's Exhibit-1*). The Requestor is also a County Financial Disclosure filer.

The Suffolk County Financial Disclosure Form requires the following disclosure regarding non-County income and deferred compensation:

“Question 5 – Your Non-County Income

Report the nature and amount of any income of \$1,000 or more, excluding County salary reported in Question 1, received from each source during the reporting year. For source, list the name of the firm, organization, financial institution, individual, or other entity from which the income was received.

Question 6 – Your Deferred Income

Report any deferred income of \$1,000 or more from each source that you earned or derived during the reporting year, but which was paid or will be paid after the close of the reporting year.”

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As a County FDS filer, the Requestor is required to report this deferred income from the non-County source of 18(B) panel compensation on this year's County Financial Disclosure Form. Upon review of the facts presented to the Board, the proposed future conduct does not involve impermissible business or transactions that are in conflict with the proper discharge of public duty or misuse of official position. (*see Suffolk County Code Section 77-3 (B) or 77-3 (C)*).

CONCLUSION

Accordingly, the Board finds that pursuant to Suffolk County Code, the requested future conduct, as described herein, is permissible as to deferred compensation payment from 18B panel work that occurred prior to employment with Suffolk County.

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
4/4/2018

Eric A. Kopp - Chair