

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 as a  
Suffolk County Legislator

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STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS

Advisory Opinion 2018-8

May 2, 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 Elected Official has inquired if the Suffolk County Code 77-5 exemption to prohibited conduct applies to upcoming road millings provided to all property owners on the County Road where he owns property. The Board has determined that this is an enumerated exemption in the law and is permissible.

**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 4/25/2018 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 5/2/2018. The Board determined by majority vote that the proposed future conduct is an enumerated exemption in the law and is permissible.

**Opinion:** A Suffolk County Elected Official has inquired if he can accept County road millings at his property that all property owners on the streets being milled are intended to be provided. (*Requestor's Exhibit-1*). This Elected Official submits this request as Article I of the Code of Ethics sets forth a broad variety of prohibitions relating to business dealings and other conduct by public servants including Elected Officials. The exemptions to these prohibitions are set forth in the Code of Ethics with the related provision applied below.

Suffolk County Code, § 77-5, "Exemptions" states:

**This article shall not prohibit:**

- B. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs.

Under the facts presented set forth, the Board finds that the Requestor fits into the "substantial class of residents" as a property owner whose property is located on the milled streets, therefore the upcoming road millings fits this enumerated exemption.

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**CONCLUSION**

Accordingly, the Board finds that pursuant to Suffolk County Code, the requested future conduct, as described herein, is permissible.

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  
5/2/2018

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Eric A. Kopp - Chair