

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

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In the Matter of the Inquiry of
Commissioner [REDACTED] in Capacity as the
County of Suffolk Commissioner of Fire and Rescue

Advisory Opinion 2021-22

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STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2021-22
September 15, 2021

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.

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code, Suffolk County Board of Ethics Advisory Opinions; Suffolk County Code Chapter 77, and other pertinent provisions of law and policy.

Procedural History and Summary: The underlying request was initially received on 8/30/2021. A standing vote occurred on 9/1/2021 and the full Board vote regarding the initial request occurred on 9/15/2021 within 45 days of conclusion of fact finding pursuant to the Suffolk County Code. Upon review, the Board issues this opinion with a finding of *no conflict of interest*.

Opinion: The Requestor, a Suffolk County Department Head, the Suffolk County Commissioner of Fire and Rescue has requested an Advisory Opinion as to whether he is prohibited from post-employment income at the Suffolk County Fire Academy following post County of Suffolk Employment.

Below are the additional records and documents submitted for the Board of Directors review:

- Exhibit 1: Advisory Opinion Request
- Exhibit 2: Job Duties Statement
- Exhibit 3: Standing Letter of 9/2/2021
- Exhibit 4: Suffolk County Board of Ethics Opinion 2020-13
- Exhibit 5: Suffolk County Post-Employment Laws

Conclusion:

Upon review of the advisory opinion request in accordance with the Board's policies for review and reconsideration, inclusive of the post-employment laws of Suffolk County Code 77-6¹, the Board concludes that

¹ § 77-6. POST-EMPLOYMENT RESTRICTIONS.

- A. No public servant shall solicit, negotiate for, or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. This prohibition shall not apply to positions in the federal, state or any local government.
- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public

and reconsideration, inclusive of the post-employment laws of Suffolk County Code 77-6¹, the Board concludes that the Requestor is not prohibited from post-employment income as a Fire Academy per diem instructor (\$100/class) after leaving County employment as the Suffolk County Commissioner of Fire and Rescue.

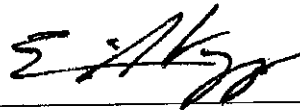
¹ § 77-6. POST-EMPLOYMENT RESTRICTIONS.

- A. No public servant shall solicit, negotiate for, or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. This prohibition shall not apply to positions in the federal, state or any local government.
- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of any government entity, including the County of Suffolk, as an elected representative, employee or consultant, provided that, in the case of a former public servant serving as a consultant, such former public servant contracts to provide such consultant services directly with the County. **[Amended 12-20-2016 by L.L. No. 1-2017]**
- C. No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant, provided that, such prohibition shall not apply to a former public servant serving as a consultant to the County, where such former public servant contracts to provide such consultant services directly with the County. **[Amended 12-20-2016 by L.L. No. 1-2017]**
- D. No elected official shall appear before any agency in the branch of County government served by such elected official within a period of two years after such official's separation from County service. For the purposes of this section, the executive branch consists of all agencies of the County, except the County Legislature. This prohibition shall not apply to a former elected official who appears before a County agency on behalf of another governmental entity as an elected representative or employee.
- E. No public servant shall, after leaving County service, disclose or use for private advantage any confidential information gained from County service which is not otherwise available to the public; however, this shall not prohibit any former public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal conduct or conflict of interest.
- E. No elected official may resign prior to the completion of his or her term of office and be employed by the County in any other position for a period of two years after his or her resignation.
- G. No elected official may resign prior to the completion of his or her term of office and be employed with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after his or her resignation.
- H. No elected official whose term of office has expired may accept employment with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after the expiration of his or her term.

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: September 15, 2021



Riverhead, New York
SUFFOLK COUNTY BOARD OF ETHICS
Eric A. Kopp – Chair
On behalf of the Suffolk County