

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion No. 2022-4
July 20, 2022

SUFFOLK COUNTY

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BOARD OF ETHICS

EXECUTIVE DIRECTOR
JESSICA H. HOGAN

BOARD OF ETHICS OFFICE ADDRESS
300 CENTER DRIVE, RM N204
RIVERHEAD, NEW YORK 11901
(631) 854-0022 (MAIN)

EMAIL ADDRESS
ETHICSBOARD@SUFFOLKCOUNTYNY.GOV

WWW.SUFFOLKCOUNTYNY.GOV/AGENCIES/ETHICS

Advisory Opinion No. 2022-4

Summary: The Requestor is a [REDACTED]. The Requestor submits this request asking whether (a) she may continue as a sole practitioner attorney while employed by the County and (b) where she may serve on certain Boards and Committees while employed by the County. Upon review of the full record, the Board concludes that the Requestor's outside employment and participation on certain Boards and Committees does not create a conflict within the Suffolk County Code of Ethics. The Requestor is reminded of the limitations set forth in the 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, 77-2, 77-3 and the Suffolk County Board of Ethics Rules.

Procedural History: This request was received on March 29, 2022 and a standing vote occurred on April 6, 2022. Factfinding concluded on June 14, 2022 and the Board vote on the Advisory Opinion occurred on July 20, 2022, within the time allotted by the Suffolk County Code.

Facts: The Requestor submitted this request for an opinion asking first whether she may continue to operate as a sole practitioner attorney outside of her employment with the County. Requestor has indicated that her private practice focuses on estate planning, contract review and transactional matters. She further stated that she has one case pending in Suffolk County, but another attorney has been handling that matter. Requestor affirmed that she works on private matters in the evenings and on the weekends, not on County time. Requestor also requested an opinion on whether she may serve on the Board of Trustees for [REDACTED] and for the [REDACTED] Foundation and whether she may serve on the Audit Advisory Committee for the [REDACTED] Federal Credit Union.

Opinion:

A. Outside Employment

Requestor seeks an opinion on whether she may continue as a sole practitioner attorney while employed by the County. Initially, Section 77-2(A) states that "No public servant shall have an

ownership interest in a firm which such public servant knows is engaged in business dealings with the department or agency served by such public servant.” In addition, Section 77-2(B) states that “No County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County.” In the context of the Code of Ethics, business dealings are defined as any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, or any license, grant or benefit. Requestor has indicated that her law practice does not engage with Suffolk County. Accordingly, no conflict exists with regard to Section 77-2(A). Requestor, however, is reminded that in the event that her law practice ever engages in business dealings with the County, she is subject to the requirements of Section 77-2(A).

The Board of Ethics specifically notes that, pursuant to Section 77-3, Requestor is prohibited from taking any action as a public servant affecting her interest in her private law practice. Moreover, she is prohibited from engaging in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of her official duties. In addition, during the course of her outside employment, Requestor is reminded to comply with all provisions of Section 77-3.

This opinion is issued within the context of the Suffolk County Code of Ethics. This does not constitute an opinion with regard to any rules governing attorney ethics in the State of New York.

B. Boards and Committees

Requestor also seeks an opinion on whether she can serve on the Boards of Trustees for [REDACTED] and the [REDACTED] Foundation. Requestor reported that she is not compensated for either of these positions. Requestor indicated that [REDACTED] has contracts with Suffolk County Department of Social Services, but that she is not assigned to handle those contracts. In addition, Requestor serves on the Audit Advisory Committee for the [REDACTED] Federal Credit Union.

Section 77-5(D) provides that the code does not prohibit “a public servant or public servant’s spouse from acting as an attorney, agent, broker, officer, director or consultant for any not-for-profit corporation or other entity which operates on a not-for-profit basis, which has business dealings with the County, provided that such public servant takes no direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities.”

Pursuant to Section 77-5(D), the Requestor is not prohibited from serving on the boards of either [REDACTED] or the [REDACTED] Foundation. She is, however, prohibited from taking direct or indirect part in any business dealings that those non-for-profit corporations may have with the county.

Based upon the facts presented, Requestor is permitted to serve on the Audit Advisory Committee for the [REDACTED] Federal Credit Union as that organization does not have dealings with the County.

Conclusion: Under the facts presented, the Board finds that the listed outside employment and the

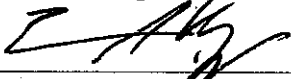
membership on Boards of Trustees or Committees is permissible under the County Ethics Laws.

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the Requestor 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: Riverhead, New York

July 20, 2022



Eric A. Kopp. – Chairperson, Suffolk County Board of Ethics

On Behalf

The Suffolk County Board of Ethics

* Pursuant to Suffolk County Board of Ethics Resolution 004/2013, a requester shall have **fifteen (15) business days** from the time an 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. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Applications requesting modification, clarification, or withdrawal must be made in accordance with Board rules. Nothing shall prohibit the Board, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.