

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

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In the Matter of the Inquiry of  
[REDACTED] in Capacity of a  
Suffolk County Elected Official

Request for Reconsideration  
and Clarification  
Advisory Opinion 2020-13

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STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2020-13  
January 20, 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:** The underlying request was initially received on November 5th, 2020. A standing vote occurred on November 18th, 2020 and the full Board vote regarding the initial request occurred on December 16, 2020, within 45 days of conclusion of fact finding pursuant to the Suffolk County Code. An initial request for reconsideration due to newly asserted facts was received on December 20, 2020. That request was thereafter clarified and supplemented by the Requestor through his counsel during the fact finding process.

**Opinion:** The Requestor, a Suffolk County Legislator, has requested an Advisory Opinion as to whether he is prohibited from employment as the Deputy Director of the Suffolk County Fire Academy following his term as an Elected Official, whether he completes his term of office or resigns prior to the expiration of his term.

Below are the additional public records and documents submitted by the Requestor and Board Investigator for Board Fact Finding and Reconsideration:

- Exhibit 1: Public Record - County of Suffolk Job Title Search
- Exhibit 2: Public Record - NYS Local Retirement System Job Title Search
- Exhibit 3: Public Record – County of Suffolk and VEEB Press Releases / Job Posting
- Exhibit 4: Public Record - Suffolk County Contract with VEEB; “Law No. 22-FS-012”
- Exhibit 5: Public Record - NYSED Core Information Description
- Exhibit 6: Private Record- Pay Stub of incumbent Deputy Director of the Suffolk County Fire Academy.
- Exhibit 7: Letter Record- Letter from Suffolk County Fire Academy Treasurer Louise Scarola dated January 13, 2021.

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**Conclusion:**

Upon review of the matter in accordance with the Board's policies for review and reconsideration, the Board concludes that the Requestor is not prohibited from employment as the Deputy Director of the Suffolk County Fire Academy after leaving County service as a legislator, whether he completes his term or resigns prior to the completion of his term. Requestor is reminded that the prohibitions on dual office-holding set forth in Suffolk County Code Chapter § 77-4 (B) prohibit him from holding the position of Deputy Director of the Suffolk County Fire Academy while he is serving as an elected official.

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: January 20, 2021  
Hauppauge, New York

  
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SUFFOLK COUNTY BOARD OF ETHICS  
Eric A. Kopp – Chair