

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

-----X  
In the Matter of the Post-Employment Inquiry of:



-----X

STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2021-19  
July 21, 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.*

**Summary:** A retired Assistant County Attorney in the Family Court Bureau submits this advisory opinion to determine if 18B panel attorney income is permissible under the post-employment laws of the Suffolk County Code of Ethics. The requestor advises that he will file recusal on any case required due to previous employment with the County.

**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 7/15/2021 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 7/21/2021. 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 legal services provided post County employment<sup>1</sup>.

<sup>1</sup> § 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.

STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2021-19  
July 21, 2021

**Opinion:** The Requestor is a retired Assistant County Attorney in the Family Court Bureau submits this advisory opinion to determine if 18B panel attorney income is permissible under the Suffolk County Code of Ethics. The requestor advises that he will file recusal on any case required due to previous employment with the County.

As applied, the Board determined that the Requestor maintains standing for this Advisory Opinion, deeming the Requestor a future Supervisory Official and “public servant” pursuant to the Suffolk County advisory opinion laws. Additionally, the Board finds under § 77-2(D)(3), that the Requestor, who is a public servant, did comply with the directives set forth in this subsection by asking the Board in a timely manner as required to determine if there was a conflict. Finally, based upon the above facts, including the 18B Panel being a function of the State, with assignment of Counsel being by the A New York State Court Judge, and compensation being through the State on Juvenile cases, the Board opines that there is no prohibition under Suffolk County Code 77-3 in post-employment income of an 18B Panel attorney compensation.

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 compensation from 18B panel work that occurs post-employment from Suffolk County.

---

\*\*\*\*\*

**[Amended 12-20-2016 by L.L. No. 1-2017]**

- 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.

§ 77-7. RECUSAL AND DISCLOSURE.

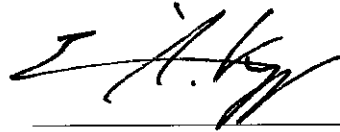
- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
- (1) Promptly inform his or her immediate supervisor, if any;
  - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
  - (3) Immediately refrain from participating further in the particular matter.

STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2021-19  
July 21, 2021

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: Riverhead, New York  
7/21/2021

A handwritten signature in black ink, appearing to read 'E. A. Kopp', written over a horizontal line.

Eric A. Kopp - Chair