

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

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In the Matter of the Inquiry of

██████████ as a Suffolk County Public Official, Undersheriff
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STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2021-8

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 Undersheriff has inquired if consulting for a private sector bus safety company creates a conflict under the Suffolk County 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, § 77-4.

Procedural History: This request was received on 4/1/2021, standing vote occurred on 4/7/2021 and fact finding concluded on 4/16/2021. The Board vote occurred within the 45 days under Suffolk County Code occurring on 4/21/2021. The Board reviewed the full advisory opinion file, inclusive of precedent case, Suffolk County Board of Ethics Opinion, 2020-1, and determined by majority vote that the proposed future conduct is not prohibited under the Suffolk County Code of Ethics.

Opinion: A Suffolk County Undersheriff has inquired if consulting for a private sector bus safety company creates a conflict under the Suffolk County Code of Ethics.

Suffolk County Board of Ethics fact finding determined that the County Elected Official currently holds the elected official title of “Undersheriff”. The proposed future conduct is to be a consultant, payment in the form of a 1099, with the subject matter including various safety topics in auditing school buses.

Fact finding concludes that the geographic region for consulting would include the City of New York, other Counties and specifically exclude bus companies in Suffolk and Nassau County. The consulting activity would include reading reports and providing feedback. In response to a Board directed fact finding inquiry, the Requestor has advised this proposed outside income and advises that his outside income would be no more than 6 hours of outside income. Additionally, the Requestor advises that the outside entity, Transportation Safety Planning and Solutions Group, is not a vendor with the County of Suffolk.

Sections of Law:

§ 77-3. PROHIBITED CONDUCT.

B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2020-8

proper discharge of his or her official duties.

§ 77-4. PROHIBITION ON DUAL OFFICE-HOLDING; OTHER PROVISIONS RELATING TO POLITICAL PARTY OFFICIALS.

B. No elected official shall hold another paid position of employment with the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law. This provision shall not apply to an elected official who also holds a position as a teacher in a public school district or a professor at a public university or college.

CONCLUSION

As applied to the above, this public official requestor had proposed outside income that is not prohibited under the elected official dual office holding law, §77-4, as this Requestor is not an elected official. Additionally, the Board notes that this proposed outside income is not generated from, “the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law”.

Additionally, as previously opined in Suffolk County Board of Ethics Advisory Opinion 2020-1, “given the geographic regions excluding Suffolk County and Nassau County, and the requestor’s existing 24/7 availability for County emergencies, the outside consultant position does not create a conflict of serving the same population served in his Suffolk County official duties and does not fall into a prohibition under § 77-3 (B)”.

Accordingly, the Board finds that pursuant to the Suffolk County Code, the requested future conduct, as described herein, is not in conflict with the Suffolk County Ethics Code.

The forgoing is the opinion of the Board.

Dated: Hauppauge, New York
4/21/2021



Eric A. Kopp, Chair
On Behalf of Suffolk County Board of Ethics