MISSION STATEMENT

"The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through training, transparency, and trust. In order to accomplish the Mission, the Suffolk County Board of Ethics shall maintain confidentiality, adhere to its own Code of Ethics, engage in outreach and training of public officials and employees, and recommend new laws to advance the Mission of ethical compliance."

MESSAGE FROM THE CHAIR OF THE SUFFOLK COUNTY BOARD OF ETHICS
LINDA A. SPAHR, ESQ.

On behalf of the Board of Ethics, I wish to commend and thank our staff and counsel for their professionalism and diligence in helping us to fulfill our obligations to the public officials, employees and citizens of Suffolk County. Once again, they have exceeded our expectations. They have helped make our challenging jobs both pleasant and rewarding.

I am proud to report that the members made service on the Suffolk County Board of Ethics a priority over other obligations, ensuring that we had a quorum for scheduled meetings. As this report is submitted, there are no vacancies on the Board.

During the 2016 calendar year, the Board convened 24 times. In satisfaction of its powers and responsibilities set forth in Section C30-3 of the County Charter, the Board accomplished the following:

1. The Board exceeded the ethics training program requirements by law in providing in person lectures, including attendance by 14 County Departments and 12 Legislative Offices
2. Trainings are certified to satisfy continuing legal education (CLE) credits for attorneys and Continuing Professional Credits (CPE) for accountants. On-line training is available to all county employees on demand. Staff also continues to distribute the Board's poster training series and educational pamphlets.
3. The Board received 28 advisory opinion requests
4. The Board received, reviewed, audited, and brought enforcement actions regarding required Financial Disclosure Statements and other conflicts issues
5. The Board conducted investigations and hearings to determine if ethics violations occurred and imposed penalties for violations.

[1]On November 16, 2016 the SCBE upon request of the Suffolk County Legislature made the following recommendations:

1. The Board recommended review of the financial disclosure filer designations with Civil Service to include title designations inclusive, but not exclusive of contract procurements job duties.
2. Similarly to other County Agencies, Legislative consideration of designating a FOIL Appeals Officer in a title other than Executive Director/Department Head
3. The amendment or removal of Suffolk County Administrative Code §A30-5 (D) to allow the Board to assist in the preparation of a complaint;
4. The amendment or removal of Suffolk County Administrative Code §A30-8 to decriminalize unauthorized release of confidential information
5. The amendment of Suffolk County Code Chapter 77 to include that it be a conflicts violation to refuse participation in a Suffolk County Board of Ethics Financial Disclosure Statement Audit
6. The County facilitating and creating a County Ethics fine collection procedure

[1] NY GML 808(2) 2. The board (County ethics board) shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.

The Board's procedures and public information is available for review, in accordance with published procedures. The Board of Ethics and its staff welcome inquiries and input from all members of the community.

Respectfully Submitted,

Linda A. Spahr, Esq.
Chair of the Suffolk County Board of Ethics

ADMINISTRATION STATEMENT FROM THE EXECUTIVE DIRECTOR
SAMANTHA L. SEGAL, ESQ.

Through the Suffolk County Charter Law, the leadership of Suffolk County continues to take extraordinary measures in order to ensure the independence and integrity of the County ethics process, establish a system that provides the public with transparency, independence, and protocols.

In 2016, the Administration of the Suffolk County Board of Ethics accepted this charge with not only due diligence and responsibility, but also with a level of heightened responsiveness for the citizens of Suffolk County. As the Board develops new initiatives for public education, and government safeguards, the Administration is dedicated to being accessible to the public and public servants so that they can be heard by the Board with process. The Administration strives to serve the public, and the public servants of Suffolk County, in a manner that is systematic, accountable, and approachable.

We welcome all interested persons to provide us with suggestions and to attend the public portion of the Board's regularly scheduled Board meetings.

Respectfully Submitted,

Samantha L. Segal, Esq.
Executive Director Suffolk County Board of Ethics

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ATTACHMENTS AND EXHIBITS

Exhibit A	2016 Budget
Exhibit B	Suffolk County SOP A-06
Exhibit C	2014-2017 New York Bar Association Continuing Legal Education Accreditation
Exhibit D	2016 New York State Department of Education CPE/CPA Continuing Education Accreditation
Exhibit E	Ethics by Posters Series
Exhibit F	2016 Public Board Meeting Schedule and Minutes
Exhibit G	2016 Policies, Rules, Resolutions
Exhibit H	2016 FOIL Subject Matter Index
Exhibit I	Training materials inclusive of ethics pamphlets, flyers, ethics reminders, training updates, and elected official training letters
Exhibit J	2016 Google Analytic Webpage Reports
Exhibit K	Suffolk County Legislature Resolutions # 238, 328, and 1127

I. EXECUTIVE SUMMARY

In 2016, the Suffolk County Board of Ethics convened 24times from January 1, 2016 through December 31, 2016. During the course of the year, the Board's six public service initiatives were executed: 1) Directing the regulatory administrative law enforcement provisions for the Suffolk County Annual Financial Disclosure Statements, 2) Conducting Ethics Trainings, 3) Rendering Advisory Opinions, 4) Commencing Informal Investigations, 5) Commencing Formal Investigations and Adjudications, and 6) serving as the custodian and clerk of all Board of Ethics Records.

I. Annual County Financial Disclosure
The Board received and reviewed 310 Financial Disclosure Statements.

II. Ethics Trainings
The Board exceeded the 2016 statutory training requirement. In total, the Suffolk County Board of Ethics provided trainings to 130 persons bringing the training total to over 900 public servants. The Board conducted their second "all employee" training. Attendance on that day was made by 14 County Departments and 12 Legislative Offices. The online training module is available to all 9,000+ County employees online through the County's intranet page. In addition to the New York State Continuing Legal Education accreditation, the Board's trainings provide Continuing Education Credits from the New York State Department of Education for County Employee Public Accountants.

III. Board Requests
The Board received 28 written requests for Advisory Opinions regarding the Suffolk County Ethics Laws. The Board also received 3 disclosures and 6 miscellaneous requests.

IV. Complaints/ Investigations/Adjudications/Subpoenas
In 2016, the Suffolk County Board of Ethics received 5 complaints. Of these, the Board found 1 required fact finding inclusive of requesting public RFP bidding documents and an outside employment review, 1 complaint was self-initiating with reasonable cause found to which the Board referred to the head of the agency served by the public servant as related disciplinary charges were pending against the public servant, and three were outside of the Board's current Jurisdiction.

V. Custodian and Clerk of all Board of Ethics Records
The Suffolk County Board of Ethics maintains and performs the clerking functions for all Suffolk County Annual Financial Disclosure Statement records, all Board generated documents, all Suffolk County Elected Official Sworn Statements, FOIL requests, all Board confidential records, and all records designated to the Board by statute. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law.

VI. Budget
The Suffolk County Board of Ethics 2016 budget for all salary, vendors, contracts, and expenses was $281,857. Outside services exceeded the budget by approximately $30,000. The Budget was over expended due to investigations, litigations, and legislative requests. It is projected the 2017 budget will again be fully expended this year. Accordingly, the 2017 budget request for legal services was $135,000 to which $75,000 was approved. The Suffolk County Board of Ethics remains one of the County's smallest operating budgets annually. (Exhibit "A").

II. INTRODUCTION

This report covers the time period of January 1, 2016 through December 31, 2016.

The Suffolk County Board of Ethics was established pursuant to Local Law No. 56-2011, which became effective in March 2012. The Board was fully formed in the summer of 2012, and has established its offices in Great River.

Article XXX of the Suffolk County Charter vests in the Board of Ethics the authority and responsibility to:

1) Provide ethics training and education to Suffolk County's public servants;
2) Render advisory opinions to Suffolk County's public servants on ethics and conflicts of interest issues;
3) Make financial disclosure statement forms available to persons required to file pursuant to Chapter 77, Article 2 of the Suffolk County Code, and review such statements; and
4) Conduct investigations and hearings to determine if ethics violations have occurred and to impose penalties as authorized by local law.

The Administrative laws governing the Board of Ethics are found at Article XXX of the Suffolk County Administrative Code. The Suffolk County Code of Ethics is found at Chapter 77, Section I, Article I . The Financial Disclosure Law is found at Chapter 77, Section I, Article II of the Suffolk County Code.

This report reviews the Suffolk County Board of Ethics accomplishments during 2016 under the following headings:

I. Executive Summary
II. Introduction
III. Members and Staff of the Suffolk County Board of Ethics
IV. Budget
V. General Counsel
VI. Training and Education
VII. 2016 Legislation
VIII. Board Policies
IX. Legislative Recommendations and Code Review
X. Financial Disclosure Statements
XI. Investigations/Fines/Referrals
XII. Advisory Opinion Requests
XIII. Complaints
XIV. Freedom of Information Law
XV. Elected Official's Sworn Statements
XVI. Administration
XVII. Information Technology
XVIII. 2017 Initiatives

III. MEMBERS AND STAFF OF THE SUFFOLK COUNTY BOARD OF ETHICS

The Members of the Suffolk County Board of Ethics serve four year terms. Under the Suffolk County Charter, the Board must consist of five members.

Two of the members are appointed by the County Executive, one by the Presiding Officer of the Legislature, one by the Majority Leader of the Legislature, and one by the Minority Leader of the Legislature. All appointments are subject to approval by the Legislature and are volunteer positions. Members are paid a $200.00 stipend per meeting with a maximum of $4800.00 per year. In 2016, the Suffolk County Board of Ethics convened 24 times from January 1 through December 31. (Exhibit "F") Staff consists of its two full time Suffolk County employees since inception, the Executive Director, Samantha Segal and Confidential Secretary to the Board, Darlene Kurrass.

Members

1. Chair: Linda A. Spahr, Esq. – 2nd Term 6/26/2012-6/26/2019
   - Appointed by Minority Leader
   - Former Chief Environmental Crime Unit Suffolk County District Attorney's Office
   - Former Deputy Bureau Chief Suffolk County Law Department

2. Vice-Chair: Richard F. Halverson, Ph.D. 2nd Term 4/6/2014-4/5/2018
   - Re-Appointed by County Executive
   - Former Deputy Comptroller City of New York
   - Former Executive Vice President St. Francis College
   - Former Deputy Chancellor City of New York Board of Education
   - Member of Budget and Finance Committee of Town of Southampton

3. Dennis O' Doherty – Term 3/4/2014-3/26/2016
   - Former New York State Legislator
   - Trustee of Dowling College
   - Appointed by Presiding Officer
   - Decorated WWII Veteran

4. Anthony Parlatore, Esq. (Filling Term Ending 3/27/2019)
   - Appointed By Majority Leader On 12/15/2015
   - Past member of Suffolk County Bar Association ethics committee grievance committee, judicial screening committee

5. Eric Kopp (Filling Term Ending 6/25/2018)
   - Appointment by County Executive to fill vacant term ending 6/25/2018.
   - Former Deputy Suffolk County Executive

(Resigned 5/13/15) Robin L. Long, Esq. – 2nd Term 6/26/2014-6/25/2018 (Resigned 5/13/15)
- Re-Appointed by County Executive

(Resigned 8/16/15) Heather M. Palmore, Esq. – Term 3/27/2015-3/27/2019 (resigned 8/16/15)
- Re-Appointed by Majority Leader

IV. BUDGET

A. Budget

The 2016 Approved Budget is attached hereto as Exhibit "A". The Suffolk County Board of Ethics 2016 budget for all salary, vendors, contracts, and expenses was $281, 857. The Board's budget was over expended due to litigation and formal investigations requiring Court appearances and depositions. (Exhibit "A")

It is projected the 2017 for salary, vendors, contracts, and expenses, will be fully expended this year. The Suffolk County Board of Ethics remains the County's smallest operating budget.

The Board is continually assessing the needs of additional resources and staff including investigators, staff counsel, and administrative support. The Board requested a part-time departmental investigator for 2016 which was approved and interviews are in the process of being scheduled. The intended duties for this position include tribunal hearing document preparation, Board representation at tribunal hearings, pleadings, FOIL Officer, and staffing of an ethics hotline. The ongoing staffing needs are continually being reassessed and the Board will request positions again, if appropriate, for 2018. (Exhibit "A")

B. Debts

The Agency does not have any outstanding debts. All liabilities are paid for through the Suffolk County approved budget.

V. LEGAL SERVICES: INDEPENDENT GENERAL COUNSEL AND COUNTY LAW DEPARTMENT

Suffolk County Charter, § C30-4, Staffing, requires the Board, by a majority vote of the Board's entire membership, shall appoint an executive director, a secretary, and independent counsel. As such, the Suffolk County Board of Ethics conducted a search in 2013 for independent General Counsel via an "RFQ" process. General Counsel's service contract includes representing the Board in all adversarial matters, policy making, and changes in the law which impact the Board's authority. Additionally, Counsel has provided the Board with legal opinions on policy matters including opinions in 2016.

The Board advertised this "RFQ" in the Smithtown Messenger, The Suffolk County Lawyer, Touro Law School, Hofstra Law School, and St. John's Law School. The Executive Director and Board Members also contacted firms with the required practice areas which resulted in 22 law firms requesting the "RFQ". Six firms responded, four of six were interviewed for General Counsel. The Board qualified one firm located in Suffolk County, Ingerman Smith LLP, through this process midyear in 2013. Suffolk County procurement approved the initial contract expiring 12/31/2015.

The Board in 2015 advertised for counsel through an RFP. Suffolk County Charter C30-4 requires the Board to staff independent counsel. In order to maintain this independence in the RFP selection process, the Board received approval from the Suffolk County Waiver Committee to have the RFP Panel inclusive of only Board Members and published an RFP for legal services through Suffolk County Procurement. One bid resulted, and as per County procurement, the Contract procurement process and approval was presented to the Suffolk County Legislature under Resolution # 1178.

This contract term is January 1, 2016 through December 31, 2017 with three (3) additional one (1) year options to renew, through December 31, 2018, December 31, 2019 and December 31, 2020, respectively, which option is in the sole discretion of the Board of Ethics, on the same general terms and conditions. General Counsel's service contract includes representing the Board in all adversarial matters, policy making, and changes in the law which impact the Board's authority.

Two senior lawyers are assigned to work on this file are Partner: John Gross, Esq., and Christopher Clayton, Esq., Partner. Mr. Gross is an experienced litigator with clients inclusive of government entities and private sector for over 30 years and is the former President of the Suffolk County Bar Association. Mr. Clayton is an experienced litigator and served as a Suffolk County Assistant District Attorney for eight years where he received the Suffolk County District Attorney's Distinguished Trial Advocacy Award.

Suffolk County Law Department represents the Board as to legality of Contracts and procurement.

2016 Litigation

In the Matter of John Scott Prudenti v. Suffolk County Legislature and Suffolk County Board of Ethics

This Article 78 was brought by Order to Show Cause on October 13, 2016 and commenced in Supreme Court, Suffolk County at 1 Court Street, Riverhead. Judge Santorelli reviewed the financial disclosure statements at issue in camera, applied redactions, and in an October 21, 2016, decision instructed the SCBE to make further redactions and deliver the record to the Legislature. On November 10, 2016, the petitioner's counsel secured a stay in the Second Department of Judge Santorelli's order. The SCBE's position as the custodian of County records is compliance with court orders of record production.

In the Matter of Jennifer Elflein v. Suffolk County Board of Ethics and Suffolk County Probation Department
This Article 78 was brought by Order to Show Cause on October 21, 2016. This action was commenced in Supreme Court, Suffolk County at 1 Court Street, Riverhead, NY.

Suffolk County Board of Ethics v. a County Employee

This Suffolk County Supreme Court Special Proceeding was commenced on March 16, 2016, for Judicial Subpoenas before Hon. Joesph Pastoressa. These subpoenas were ordered and served on County Departments for records in their custody relating to a SCBE investigation regarding a County Employee.

Suffolk County Board of Ethics v. a County Employee

In 2016, the Suffolk County Board of Ethics commenced their investigation regarding a County which was concluded in 2017 sustaining 67 charges and imposing a fine of $37,000.

VI. TRAINING AND EDUCATION

Ethics Training conducted by the Suffolk County Board of Ethics is governed by the Suffolk County Administrative Code Section A30-2. As such, the Board in 2016 proactively trained employees from 14 County Departments and 12 Legislative Offices:

.

Training Consultant
In August 2013, by way of "RFQ" procurement, the Suffolk County Board of Ethics retained Ingerman Smith, LLP as the Independent Training Consultant. In 2014, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2015. Two firms responded and the lowest bidder, Ingerman Smith, LLP, was awarded the contract not to exceed $15,000.00. In 2015, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2016. One firm responded, Ingerman Smith, LLP, and was awarded the contract not to exceed $15,000.00. The term of the contract is January 1, 2016 through December 31, 2016, with one (1) one-year extension at the Department's option from January 1, 2017 through December 31, 2017.

Lectures
The Board exceeded the 2016 statutory training requirement. In total in 2016, the Suffolk County Board of Ethics provided trainings to 130 persons bringing the attendees total to over 900 public servants. The Board conducted their second "all employee" training. Attendance on that day was made by 14 County Departments and 12 Legislative Offices:

1. Health
2. Public Works
3. Probation (and the Suffolk County Probation Officers Association)
4. Presiding Officer's Office
5. County Executive
6. Parks
7. Clerk of the Legislature
8. FRES
9. Legislator McCaffrey's Office
10. Legislator Krupski's Office

11. Economic Development and Planning
12. Legislator Trotta's Office
13. Legislator Spencer's Office
14. Labor, Licensing and Consumer Affairs
15. Legislator Lindsay's Office
16. Information Technology
17. Risk Management (Division of County Attorney)
18. Police
19. Legislator Martinez's Office
20. Legislator Anker's Office
21. Real Property Tax Service Agency
22. County Attorney
23. Public Administrator
24. Traffic Parking Violations Agency
25. Office for People with Disabilities (Division of County Executive)
26. Office of Counsel to the Legislature
27. Legislator Stern's Office
28. Legislator Barraga's Office

Additionally, departmental trainings are specifically created with industry trends and legal issues relevant to the department's operations. Such trainings are a collaborative effort between the Department Head, Executive Director, and Independent Training Consultant to provide the most effective training. In 2016 the following Departmental trainings occurred:

1) Annual County wide (all Departments invited)
2) Planning Commission

Elected Officials
Suffolk County Administrative Code Section, A30-2(B) requires, "all elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office". As such, the Board extended multiple training options inclusive of in person one-on-one trainings, departmental trainings, and online training to elected officials to satisfy this requirement (Exhibit "I" Elected Official Training Letter).

Continuing Education Credits
Additionally, in 2016 the Board issued over 50 continuing Legal Education credits to County Employees who are licensed attorneys in New York State. Additionally, the Board was successful in maintaining their New York State Bar Association Continuing Legal Education ethics credits from 2014-2017 for its "Suffolk County Ethics Laws" lecture presentation. (Exhibit "D") – 2014-2017 New York State Bar Association Continuing Legal Education Accreditation attached).

In 2016 the Suffolk County Board of Ethics continued to be an approved educational provider also with the New York State Department of Education for Certified Public Accountants and Public Accountants. The Suffolk County Board of Ethics now provides this additional Continuing Legal Education credit for employees in varying departments by Suffolk County ((Exhibit "D") New York State Department of Education Accreditation).

Online Training
The Board's interactive web based training module which provides general employee Ethics training with a certifying quiz is available on the County internet. This program also offers an "Exit Interview" training that covers the prohibitions post Suffolk County employment.

Ethics Booklet New Employee Distribution
Suffolk County Administrative Code A30-2 (D) requires "all County employees hired or qualified to serve by the County of Suffolk after the effective date of this article shall receive the ethics booklet prepared by the Board at their orientation session and shall sign a statement that they have received the booklet and understand that they must abide by the conflict of interest rules contained therein during their employment with the County. Such statement shall be maintained in the employee's personnel file."

The Board of Ethics has informed all Departments of their ability to direct order booklets as needed with new hires and an electronic copy is available on the Board's website. Additionally, Suffolk County Civil Service distributes the booklet at new employee orientations and has been direct ordering from the Suffolk County print shop.

Upcoming 2017 Training Schedule
The Board's training schedule for 2017, an odd-numbered year, requires one training seminars. As such, the Board continues to offer Departmental specific trainings, an "Annual County Ethics Training", and subject specific trainings such as "gifting" and "post-employment". To date, one specialized department training is scheduled for 2017, the Annual Training is scheduled for the Fall, and seven additional departments have requested in house trainings.

Ethics by Posters Series
The Board has taken steps to be as visual to as many public servants as possible. The "Ethics by Posters" series has been continued and now has five posters that are circulated to the County departments. These posters are designed with the general County employee as their target audience on the subject matters of advisory opinions, financial disclosure statements, post-employment, and gifts. (Exhibit "E") – Ethics by Posters Series).

Please see posters and ordering options on pages 12,13,and 14.

SCBE "Ethics by Posters Series" posters measure 11" x 17"
Ethics posters and Ethics booklets can be direct ordered by County Departments through the County Print Shop or through the Board at 854-0022

Educate Yourself

$10,000.00

...is how much you could be fined for violating the County ethics laws.

ETHICS
Penalties for Offenses

As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws please contact the Suffolk County Board of Ethics or visit our webpage.

Suffolk County Board of Ethics
Location: Sunrise Business Center, 3500 Sunrise Highway, Great River
Mailing: 335 Yaphank Avenue, Yaphank, New York 11980
Office: 631.854.0022
www.SuffolkCountyNY.Gov

Training. Transparency. and Trust.

Prohibited Interests

ETHICS
Prohibited Interest in Government Contracts

Did you know that your family member's contract could put you in conflict with the Suffolk County ethics laws? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding prohibited interests please contact the Suffolk County Board of Ethics or visit our webpage.

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Training. Transparency. and Trust.

Financial Disclosure Statements

ETHICS
Financial Disclosure Statement Filing

DEADLINE: MAY 15th

As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct. For more information on the ethics laws regarding financial disclosure, please contact the Suffolk County Board of Ethics or visit our webpage.

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Training. Transparency. and Trust.

Post-Employment Laws

ETHICS
Post-Employment Restrictions

Getting ready to leave County service? Do you know that certain laws and regulations still apply even after you walk out of the door? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding post-employment, please contact the Suffolk County Board of Ethics or visit our website.

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Happy Birthday, Congratulations, and Thank You…

ETHICS
Gifts

Have you ever wondered if giving or accepting a gift at work is allowed? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding gifts, please contact the Suffolk County Board of Ethics or visit our website.

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Training. Transparency. and Trust.

Advisory Opinions

ETHICS
Advisory Opinions

Worried about a potential conflict of interest? Do you know that the Suffolk County Board of Ethics is here to help? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

For more information on the ethics laws regarding advisory opinions and conflicts of interest, please contact the Suffolk County Board of Ethics or visit our webpage.

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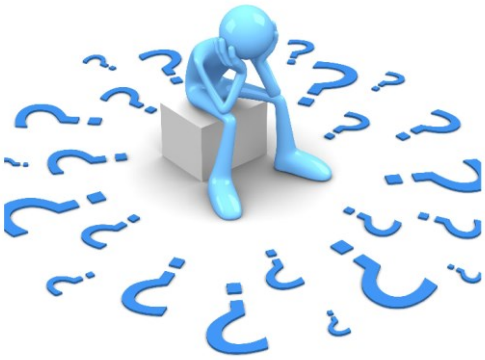
Advisory Opinions



ETHICS
Advisory Opinions

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For more information on the ethics laws regarding advisory opinions and conflicts of interest, please contact the Suffolk County Board of Ethics or visit our webpage.

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Prohibited Interests

ETHICS
Prohibited Interest in Government Contracts

Did you know that your family member's contract could put you in conflict with the Suffolk County ethics laws? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

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Prohibited Interests

ETHICS

Prohibited Interest in Government Contracts

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Training, Transparency, and Trust.

Educate Yourself

ETHICS

Penalties for Offenses

Did you know that penalties for violating the County ethics laws could result in: (1) Voided contracts, sales, or transactions; (2) fines of up to $10,000; (3) suspension or removal from employment; (4) misdemeanor; and/or (5) imprisonment? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct.

The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through training, transparency, and trust.

For more information on the ethics laws please contact the Suffolk County Board of Ethics or visit our webpage.

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Training, Transparency, and Trust.

ORDERING INSTRUCTIONS

SCBE "Ethics by Posters Series" posters measure 11" x 17"
Ethics posters and Ethics booklets can be direct ordered by County Departments through the County Print Shop or through the Board at 854-0022

Code of Ethics Booklet

ETHICS AND ACCOUNTABILITY

COUNTY OF SUFFOLK

Revised November 2015

Printed November 2015

Version 1.2

1

VII. ADOPTED 2016 LEGISLATION

1. Resolution 238 : To appoint member of Suffolk County Board of Ethics (Eric A. Kopp) (Exhibit "K").
2. Resolution 328 : Reappoint member of Suffolk County Board of Ethics (Dennis O'Doherty). (Exhibit "K").
3. Resolution 1127 : Adopting Local Law No. 1 -2017, A Local Law amending Chapter 77 of the Suffolk County Code to clarify application of the Suffolk County Ethics Code to former County employees (Exhibit "K").

VIII. BOARD POLICIES

In 2016, the Suffolk County Board of Ethics continued to implement Board policies and procedures inclusive of:

1) Uniform Redaction Policy
2) Referral to the Suffolk County District Attorney Policy
3) Investigation Procedures
4) Hearing Procedures
5) Freedom of Information Procedures
6) Ethics Complaint Procedures

Attached hereto is a complete record of all such policies (Exhibit "G").

IX. CODE REVIEW

The SCBE continues to work with the Suffolk County Legislature to strengthen the Ethics Laws. As such, on November 16, 2016 the SCBE upon request of the Suffolk County Legislature made the following recommendations:

1. The Board recommended review of the financial disclosure filer designations with Civil Service to include title designations inclusive, but not exclusive of contract procurements job duties.
2. Similarly to other County Agencies, Legislative consideration of designating a FOIL Appeals Officer in a title other than Executive Director/Department Head
3. The amendment or removal of Suffolk County Administrative Code §A30-5 (D) to allow the Board to assist in the preparation of a complaint;
4. The amendment or removal of Suffolk County Administrative Code §A30-8 to decriminalize unauthorized release of confidential information
5. The amendment of Suffolk County Code Chapter 77 to include that it be a conflicts violation to refuse participation in a Suffolk County Board of Ethics Financial Disclosure Statement Audit
6. The County facilitating and creating a County Ethics fine collection procedure

X. FINANCIAL DISCLOSURE STATEMENTS

Financial Disclosure Statements
Pursuant to § A30-4, Financial Disclosure, the Board shall make financial disclosure statement forms available to all persons required to file pursuant to the requirements of Chapter 77, Part 1, Article II, of the Suffolk County Code. The Board shall review and maintain these statements and otherwise administer and enforce the financial disclosure requirements in accordance with the provisions of Chapter 77, Part 1. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law.

In 2016 all required County employees filed. Three non-County employees failed to file. These non-filers file under State statutory authority and are not under the Board's fining jurisdiction.

2016 Financial Disclosure Statement Filings

Filer Designation	***Total Required to File***	***Total Filed***
County Employees	186	186
Non County Employee Filers	104	101
Elected Officials	23	23
TOTAL	**313***	**310**

**Individuals holding multiple filing positions are counted in the "total required to file" tally.*

XI. INVESTIGATIONS/FINES/REFERRALS

Investigations and Hearings
The Suffolk County Administrative Code Section A30-7 authorizes the Board of Ethics to conduct any investigation necessary to carry out the provisions Article XXX and Chapter 77, Part 1 of the Suffolk County Code. As such, the Board established processes and procedures to conduct investigations. In doing so, the Board developed two lines of investigations: 1) formal and 2) informal. (Exhibit "G")

2016 Formal Investigations: In 2015, the Suffolk County Board of Ethics commenced one formal investigation converted from a public record review and subsequently issued subpoenas upon supermajority vote. The investigation was conducted throughout 2016 and concluded in 2017 imposing a $37,000 fine upon a County employee. Under County Law, final determinations of the Board are to be made public.

Formal Investigations are regulated under Board procedure as set forth below:

> ***" "Formal Investigations":*** The Board can commence a formal investigation with powers to administer oaths and affirmations and serve subpoenas upon approved Board motion at any time based up information received through a complaint, advisory opinion request, review of a Financial Disclosure Statement, review of any public record, or upon receipt of any documentary evidence. All subpoenas must be issued by a supermajority vote of the entire membership of the Board. *Suffolk County Administrative Code at section A30-7.* Upon conclusion of a formal investigation, a reasonable cause vote shall take place. If reasonable cause is found to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article 1 of the Suffolk County Code or other applicable provision of law, the Board may conduct a Hearing pursuant to Board investigation "Hearing Procedures" passed on November 20, 2013 as set forth below in entirety". (*see Suffolk County Board of Ethics "Investigation Procedures*")

2016 Informal Investigations: As the Board strives for strict public disclosure through the current laws, the Board authorized a 2016 delineated audit on disclosure questions that focused employee and spouses on outside employment and government contracts. This was accomplished by the Board requesting that all filers who disclosed outside employment, or an interest in a government contract, provide 1) a copy of the Department's approval and/or County SOP A-15 dual employment form and/or 2) the Comptroller's Vendor Disclosure Form 22 respectively.

The Board has advised all Department Heads of disclosed outside employment in their departments for departmental review and approvals..

Such investigations are regulated under Board procedure as set forth below:

> """***Informal Investigations":*** The Board can commence an informal investigation upon approved Board motion at any time. Such motion can be made based up information received through a complaint, advisory opinion request, review of a Financial Disclosure Statement, review of any public record, any information available to the public, or upon receipt of any documentary evidence. Such investigation shall be inclusive of fact-finding through public record searches and requests for documents from relevant persons. These duties shall be delegated by the Board to the Staff, General Counsel, or Investigator. Such informal investigation shall be without powers to administer oaths and affirmations or serve subpoenas. All findings of an informal investigation may be used in a subsequent formal investigation. Upon conclusion of an informal investigation, a reasonable cause vote shall take place. If reasonable cause is found to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article 1 of the Suffolk County Code or other applicable provision of law, the Board may conduct a Hearing pursuant to Board investigation "Hearing Procedures" passed on November 20, 2013." ". (*see Suffolk County Board of Ethics "Investigation Procedures*")

All such investigation procedures are available on the Suffolk County Board of Ethics webpage. With respect to any investigation, the Executive Director assists filers by apprising them of Board procedures and acting as a liaison between the filers and the Board. General Counsel to the Board reviews all papers submitted on adversarial matters and advises the Board of the legal implications of policy decisions.

C. FINES AND REFERRALS

1. **Fines**

In 2016, the Suffolk County Board of Ethics imposed three fines for late Financial Disclosure filings totaling $750.00.

2. **Referrals**

The Suffolk County Board of Ethics referred two matters to County Department Heads after a finding of reasonable cause. The Board also rendered Advisory Opinions to 10 supervisory officials of County departments regarding employees of those departments.

XII. ADVISORY OPINION REQUESTS

The Suffolk County Board of Ethics received 28 requests for Advisory Opinions in 2016. Opinions are available to the public in redacted form through FOIL and the Board's website. Upon determining a request has standing, a fact-finding is commenced from which the Board renders their final Advisory Opinion. Advisory Opinions are catalogued by subject matter and section of law pursuant to statute. (Exhibit "H")

XIII. COMPLAINTS

The Board has limited jurisdiction to process complaints as to only violations of Chapter 77, Part 1, Article I, of the Suffolk County Code or other applicable provision of law governing conflicts of interest by a public servant or former public servant. As such, all complaints alleging offenses that are outside of the Board's jurisdiction are rejected.

In 2016, the Suffolk County Board of Ethics received 5 complaints. Of these, the Board found 1 complaint required fact finding including of RFP bidding and an outside employment review, 1 complaint was self-initiating with reasonable cause found to which the Board referred the matter to the head of the agency served by the public servant as related disciplinary charges were pending against the public servant and an in-person training was recommended, and three were outside of the Board's current Jurisdiction.

The Ethics Violation Complaint Procedure and Form are available on the Suffolk County Board of Ethics webpage and available from the Staff of the Board.

XIV. FREEDOM OF INFORMATION LAW

In 2016, the Board received and fulfilled 25 Freedom of Information Law ("FOIL") Requests, 8 required a FOIL production by the Suffolk County Board of Ethics FOIL Officer, and 2 requests for the same records were denied. All FOIL Requests, including those that were filed with the Board for records not maintained by the Board, were responded to in compliance with the FOIL mandates. The Board maintains a FOIL Subject Matter Index that categorizes all materials, exemptions, and protocols. (Exhibit "H" 2016 FOIL Subject Matter Index). The Board additionally placed FOIL requests upon multiple government agencies.

XV. ELECTED OFFICIAL'S "TRUTH AND HONESTY IN GOVERNMENT LOBBYING" STATEMENTS

The Board is also the custodian of, and maintains, the filed Elected Official's "Truth and Honesty in Government Lobbying" Sworn Statements. The Board's administrative staff maintains these documents for the 18 Legislative Offices and the 6 Elected Official Department Heads.

XVI. ADMINISTRATION

A. Location

The Suffolk County Board of Ethics is located at 3500 Sunrise Highway, Great River, New York 11739. This relocation was presented to the Suffolk County Space Committee and approved in spring 2014. The relocation was based on the Agency's need to produce confidential legal work product in a secure facility. The new location was chosen due to its 24-hour security staff and easy assimilation to the adjacent Suffolk County Department (Health) that has protocols in place for confidential records under HIPPA.

B. Document Due-Diligence and Cataloging

The Suffolk County Board of Ethics staff exercises daily due diligence and audits for document retention and accuracy. Set forth below are the categories of documents which undergo cataloging at the Board's office:

Document Type	Management System
Adjudication Pleadings	Separate physical and electronic file folders are maintained for each individual, organized by batch number and name (i.e.: Batch 1 – Jane Doe).
Notice of Violation	Separate physical and electronic file folders are maintained within each individual's physical and electronic file containing all Notices of Violation served by the Suffolk County Board of Ethics for the 2016 Financial Disclosure Statements where they are grouped by batch number, name, and index number (i.e. Index Number FDS 001/2016).

Orders	Separate physical and electronic file folders are maintained within each individual's physical and electronic file containing all orders issued by the Suffolk County Board of Ethics for the 2016 Financial Disclosure Statements where they are grouped by meeting date, name, and index number (i.e. Index Number FDS 001/2016).
Advisory Opinions	Separate physical and electronic file folders are maintained for each individual, organized by Advisory Opinion Request number (assigned in order of date of request) and name (i.e.: AO-2016-1 John Doe). Advisory Opinions are available on the Board's webpage in redacted (pursuant to §A30-3 (D)) form.
Agendas & Minutes	Separate physical and electronic file folders are maintained.
Articles & Publications	Separate physical and electronic file folders are maintained.
Complaints	Separate physical and electronic file folders are maintained for each complaint, organized by complaint number (assigned in order of date of request) and name (i.e.: C-001-2016 John Doe).
Financial Disclosure Statements ("FDS")	FDS Statements are filed in alphabetical order within the applicable Department, Board, Commission, or Agency's file. Each FDS Statement is assigned an FDS number (i.e.: FDS# 001/2016).
2016 Financial Disclosure Statement Workbook	Contains 42 spreadsheets, of those the following are included: Departmentally Organized Index, Alphabetically Organized Index, Status (FDS Number (i.e.: FDS# 001/2016), filer name, category of filer, filing date, privacy requested, incomplete status, and tracks all letters sent to filers, Privacy Requests, Audit, Review, Deadlines, and a separate spreadsheet for each Department, Agency, Board, Commission, or Council containing required filers and filing status.
Freedom of Information Law Requests ("FOIL")	Separate physical and electronic file folders are maintained for each FOIL request, organized by FOIL number (assigned in order of date of request) and name (i.e.: FOIL-001-2016 Jane Doe).
2016 Mail Spreadsheet	Electronic file folders are maintained containing information of all mailings and facsimiles received by the office. Information Entered: Mailing Number, Date, Sender, Sender's Address, Contents, Mail Type, and Tracking Number (if available).
Notices of Public Meetings	Separate physical and electronic file folders are maintained of the Notice of Public Meeting, email to Legislature approved County newspapers, Fax to

	Sheriff's Office for Notice posting on County Public Bulletin Board, and screenshot of online notice posting on the Board's webpage.
Miscellaneous	Separate physical and electronic file folders are maintained for each miscellaneous document, letter, inquiry, etc., organized by "miscellaneous" item number (assigned in order of date of request) and name (ie: M-001-2016 John Doe).

C. Supplies and Services

The Suffolk County Board of Ethics still orders all office supplies from County approved vendor W.B. Mason. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law. Disposal of records occur onsite with County approved vendor "Data-Struction".

INFORMATION TECHNOLOGY

The Suffolk County Board of Ethics maintains an independent webpage on www.SuffolkCountyNY.Gov. The webpage includes the following:

1. Notices of Public Meetings;
2. Meeting agendas and minutes;
3. Complaint procedures;
4. Advisory opinion procedures;
5. FOIL procedures;
6. Adjudication procedures;
7. Hearing Procedures;
8. Links to Local Laws;
9. Forms;
10. Contact information;
11. Press Releases;
12. Contracting opportunities;
13. Training and educational materials;
14. Newsletters.

The Suffolk County Board of Ethics webpage is a method of outreach for the public and public servants maintained and updated on a basis. Google Analytics provides reports as to the usage of the Board's webpage reporting over 2,500 page views in 2014, 3,110 in 2015, and over 4,800 in 2016. (Exhibit "J" – 2016 Google Analytic Webpage Reports).

The Board's initiative to have online Annual Financial Disclosure capabilities is contingent on programming and identity theft measures which can exclusively be provided by the Suffolk County Information Technology Department. At this juncture, the Suffolk County Information Technology Department has informed the Board that the technology is not available for efforts on this initiative. The Suffolk County Print Shop created a fillable PDF file for the Annual County Financial Disclosure form in 2016 which was available to all required filers in 2016 and available to County employees on the County intranet.

XVIII. 2017 INITIATIVES

1) To exceed the statutory requirement of one training seminar inclusive of specialized departmental trainings;
2) To develop a training series with additional course selections

3) To distribute the Code of Ethics Plain Language Guide;

4) To continue the "Ethics by Posters" Series;

5) To continue providing all requestors timely advisory opinions;

6) To continue conducting hearings and investigations pursuant to the Suffolk County Ethics Laws;

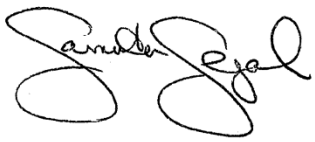
7) To conduct due diligence, first and second level, reviews of all County Financial Disclosure Statements;

8) To provide members of the public, and public servants, with ongoing guidance and education, pre-emptively and upon request, relating to the Suffolk County Ethics Laws;

9) To maintain A.D.A. compliance on all webpages;

10) To continue administering online training; and

11) To work with the Department of Information Technology to create an electronic filing system for County Financial Disclosure Statements.



Executive Director
Submitted