1

UNIT	POSN	BU	INCUMBENT	JOB TITLE	SPEC	GR/ST	PAY-DIFF	CURRENT	REQUESTED
0100	0011	1 21	SEGAL, SAMANTHA	EXEC DIR OF SC BOARD OF	9309	32/09		101,242	103,473
0100	0015	1 2	VACANT	ATTORNEY (DEPARTMENTAL)	6161	30/01		NEW	34,439
0100	0021	1 30	KURRASS, DARLEN	SECRETARY	0097	17/02		46,610	48,085
				TOTALS FOR UNIT 0100:				2 147,852	3 185,997
				TOTALS FOR APPR 1120:				2 147,852	3 185,997

	CURR	REQ	CURRENT	REQUESTED
TOTAL COST CURRENT POSITIONS	2	2	147,852	147,852
+ SALARY ADJUSTMENT				3,706
+ NEW POSITIONS		1		34,439
+ TRANSFERS IN		0		0
- ABOLISHED POSITIONS		0		0
- TRANSFERS OUT		0		0
- ESTIMATED TURNOVER SAVINGS				0
OTHER ADJUSTMENTS				0+
NET APPROPRIATION		3		185,997
DEPARTMENT TOTALS:	2	3	147,852	185,997

	CURR	REQ	CURRENT	REQUESTED
COUNTY TOTALS:	2	3	147,852	185,997

2

CS-500

Civil Service Law: Section 22: Certification for positions. Before any new position in the service of a civil division shall be created or any existing position in such service shall be reclassified, the proposal therefore, including a statement of the duties of the position, shall be referred to the municipal commission having jurisdiction, and such commission shall furnish a certificate stating the appropriate civil service title for the proposed position or the position to be reclassified. Any such new position shall be created or any such existing position reclassified only with the title approved and certified by the commission. (L. 1958, c790 S 1; amended L.1978, c99, S 1.)	SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE NEW POSITION DUTIES STATEMENT Department head or other authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit. Forward two typed copies to this Department.

1. DEPARTMENT Board of Ethics MUNICIPALITY Suffolk County

2. DESCRIPTION OF DUTIES: Describe the work in sufficient detail to give a clear word picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.

PERCENT OF WORK TIME	
	Departmental Attorney - Part-time: Attorney admitted to the NYS Bar with 1+ years post-admission experience
	- Assists in record retention. - Attends Legislative meetings. - Attends Board Meetings. - Prepares matters of inquiry for the Board. - Conducts Westlaw searches and legal research. - Drafts Advisory Opinions. - Presents evidence to the Board at tribunal hearings. - Responds to informal advisory and ethics phone inquiries. - Indexes Advisory Opinions

This form may also be used for reclassification request. (attach additional sheets if more space is needed)

09-112..07/02cg

3. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)		
NAME	TITLE	TYPE OF SUPERVISION
Samantha Segal, Esq.	Executive Director	Direct

4. Names and Titles of Persons Supervised by Employees in this position.		
NAME	TITLE	TYPE OF SUPERVISION

5. Names and Titles of Persons doing substantially the same kind and level of work as will be done by the incumbent of this new position.		
NAME	TITLE	LOCATION OF POSITION

6. What minimum qualifications do *you think* should be required for this position?

Education: High School [4] Years

College [4] Years, with specialization in: _____

Other [1] Years, with specialization in: Law

Experience: (List amount and type)

3+ years post-admission experience

Essential knowledge, skills and abilities:

Westlaw research, NYS Civil Procedure

Type of license or certificate required: NYS Law

7. The above statements are accurate and complete.

Date: Title: Signature:

CERTIFICATE OF CIVIL SERVICE DEPARTMENT

8. In accordance with the provisions of Civil Service Law, Section 22 the SUFFOLK COUNTY CIVIL SERVICE DEPARTMENT certifies that the appropriate civil service title for the position described is _____

_____

SPEC. NO.

NO. OF POSITIONS

Date: Signature:

ACTION BY LEGISLATIVE BODY OR OTHER APPROVING AUTHORITY

9. Creation of described position

☐ Approved

☐ Disapproved RESOLUTION NO. _____

Grade or Salary _____

Date: Signature:

RETURN ONE COMPLETED COPY TO SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE

3

New York State Continuing Legal Education Board

25 Beaver Street, Room 888 • New York, NY 10004 • (212) 428-2105 • *(Toll free outside NYC)* 1-877-NYS-4CLE
Web site: www.nycourts.gov/attorneys/cle • Fax: (212) 428-2974 • E-mail: cle@courts.state.ny.us

Elise Anne Geltzer
Counsel

October 15, 2013

Samantha Segal, Esq.
Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

Re: Course #ETH0541 (Transitional and Nontransitional)
Suffolk County Ethics Laws

Dear Ms. Segal:

The New York State Continuing Legal Education Board ("CLE Board") is pleased to inform you that the foregoing individual course activity has been granted hybrid accreditation for the period September 9, 2013 through September 8, 2014, as follows:

Ethics and Professionalism: 2 CLE credit hours

The accreditation of this course extends only to the live, classroom-format presentation of the material, and does not cover any nontraditional formats of the course (*e.g.,* audio recordings, video recordings, live broadcasts, teleconferences, videoconferences, online courses). If you wish to obtain accreditation for a nontraditional version of this course, you must submit a detailed explanation of the technology or, where possible, a sample of the course (*e.g.,* a copy of a compact disc or instructions and a password for online access), along with a description of the applicable attendance verification procedures for that course format.

You must state in advertisements or brochures for the course, as well as on all certificates of attendance, that the course is appropriate for both newly admitted and experienced attorneys. Please note that effective January 1, 2007, providers of courses accredited by the New York State CLE Board must use the New York CLE Certificate of Attendance. The New York CLE Certificate of Attendance is enclosed.

The Regulations and Guidelines contain important information regarding your responsibilities as a provider of continuing legal education in New York. Please review this information carefully, paying particular attention to subsections 10(A)-(D) and 10(G)-(I), which outline some of your obligations as a provider. (The Regulations and Guidelines are available on the CLE Web site.) Failure to comply with the requirements may result in revocation of your accreditation. Please note that a financial aid policy must be made available to New York attorneys for all New York accredited CLE courses or programs offered for a fee. A statement as to the existence of such a financial aid policy and the procedure for applying for consideration for financial aid must be included in all CLE advertisements and brochures, whether those advertisements and brochures are printed or distributed electronically.

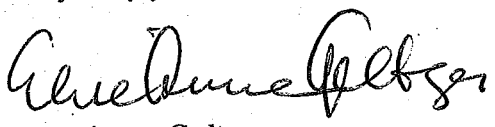
Please note that the Regulations and Guidelines require that providers of continuing legal education courses and programs complete and submit a Course Summary form for each accredited CLE course or program. Enclosed are Course Summary forms and instructions; please submit a Course Summary after each presentation of this course. Failure to submit Course Summaries for your courses may prevent accreditation of future CLE course applications submitted by your organization.

During the accreditation period, modifications or updates that substantially change the course, or changes to the faculty presenting the program, must be submitted to the CLE Board for approval, prior to the date of the program.

Should you decide to request an extension of your hybrid accreditation, please be aware that section 8(C)(10)(a) of the Regulations and Guidelines requires that such a request be made in writing to the CLE Board at least 45 days before the end of the accreditation period. Enclosed is an "Application for Extension of Hybrid Accreditation."

Please feel free to contact a member of the CLE staff at (212) 428-2105 or toll free for calls from outside New York City at 1(877) NYS-4CLE if you should have any questions. You may also visit the CLE Web site at www.nycourts.gov/attorneys/cle for additional information on the CLE program.

Very truly yours,



Elise Anne Geltzer

EAG:jc
Enclosures

New York State Continuing Legal Education Board

25 Beaver Street, Room 888 · New York, NY 10004 · (212) 428-2105 · *(Toll free outside NYC)* 1-877-NYS-4CLE
Web site: www.nycourts.gov/attorneys/cle · Fax: (212) 428-2974 · E-mail: cle@nycourts.gov

Honorable Angela M. Mazzarelli
Chair

Elise Anne Geltzer
Counsel

February 24, 2014

Samantha Segal, Esq.
Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

Re: Course #ETH0541 (Transitional and Nontransitional)
Suffolk County Ethics Laws

Dear Ms. Segal:

The New York State Continuing Legal Education Board is pleased to inform you that your request to add Christopher J. Clayton as a presenter of the above course, has been granted. Please refer to the original approval letter dated October 15, 2013, for all other information related to the accreditation of this program.

Please feel free to contact a member of the CLE staff at (212) 428-2105 or toll-free for calls from outside New York City at 1(877) NYS-4CLE if you should have any questions. You may also visit the CLE Web site at www.nycourts.gov/attorneys/cle for additional information on the CLE program.

Very truly yours,

Elise Anne Geltzer

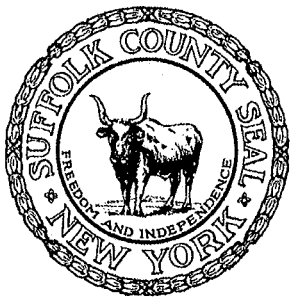
Elise Anne Geltzer

EAG:jc

4

SUFFOLK COUNTY BOARD OF ETHICS

Board Member Reference Booklet



Created December 2013
Printed January 2014
Version 1.0

SUFFOLK COUNTY BOARD OF ETHICS

"The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through **T**raining, **T**ransparency, and **T**rust."

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RULES, REGULATIONS AND PROCEDURES OF THE SUFFOLK COUNTY BOARD OF ETHICS

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following Rules, Regulations and Procedures of the Suffolk County Board of Ethics.

Rule No. 1. Statement of Applicability

Pursuant to Suffolk County Charter Article XXX the Suffolk County Board of Ethics has adopted these rules and regulations to govern the procedures of the Suffolk County Board of Ethics. If a Rule of the Board should conflict with a provision or provisions of Suffolk County local laws, New York State laws, or federal laws, such Rule shall yield to such law.

Rule No. 2. Quorum

Quorum Pursuant to Suffolk County Charter Article XXX, three (3) members of the Board shall constitute a quorum for the purpose of conducting business.

Absence of a Quorum In the absence of a quorum a Board meeting will be canceled or rescheduled.

Rule No. 3. Election of Chair and Vice Chair

The Suffolk County Board of Ethics shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each even numbered year for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the Suffolk County Board of Ethics in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election.

Rule No. 4. Meetings & Hearings

Schedule of Meetings The Board shall schedule a minimum of twelve (12) regular meetings annually.

Regular Meetings Absent motion of the Board, regular meetings shall be held on Wednesday at 6:00 p.m. at the Office of the Board of Ethics or another appropriate venue. The date or place of the meeting may be changed by a vote of the Board.

Hearings and Interrogatories Hearings and Interrogatories regarding Financial Disclosure Statements, Notice of Violations, or Advisory Opinions that require the requestor's in person appearance, shall be held during the public servant, employee, or elected official's regularly scheduled Suffolk County Government working hours to permit for proper representation of union members and to be in accordance with such persons hours of employment pursuant to Suffolk County employment contract.

Special Meetings Special Meetings may be called as necessary by the Chair or on the written request of three (3) Board members. Such call or request shall state the purpose of the meeting and the members shall be advised of the purpose. Date, time and place shall be set by the Chair after it is determined that a quorum will be present.

Attendance at Board Meetings Absent exigent circumstances the Board requires attendance of members at all regularly scheduled meetings.

Attendance shall be taken at every Board Meeting. Upon inquiry, attendance records shall be provided to any appointing authority as to a Board Member's conduct under Suffolk County Charter §C30-2(G). Suffolk County Charter §C30-2(G) states:

> "Members may be removed by their appointing authority for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the requirements of Subsection B of this section, after written notice and opportunity to reply. The removal of members appointed by the Presiding Officer, Majority Leader and Minority Leader must be ratified by the adoption of a procedural motion by the County Legislature".

Rule No. 5. Order of Business

At all scheduled meetings of the Suffolk County Board of Ethics the following business shall be conducted unless otherwise determined by the Chair of the Board or by an affirmative vote of at least a majority of the Members present:

1) Review and adopt or amend and adopt minutes of last Board of Ethics Meeting;
2) Statements and presentations by members of the public;
3) Consideration of motions;
4) Consideration of matters held over from prior Board of Ethics Meeting(s);
5) Executive Session;
6) Consideration of new matters;
7) Reports from members of the Board of Ethics, and/or the Executive Director of the Board of Ethics, and/or Counsel to the Board of Ethics, if any;
8) Determination of date for next meeting; and
9) Adjournment.

Rule No. 6. Powers and Duties of the Chair of the Board of Ethics

The Chair of the Board of Ethics shall possess the following powers and perform the following duties:

1) Preside over all meetings of the Board of Ethics, and except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2) Decide all questions of order, subject to appeal of the members of the Board;
3) To substitute the Vice Chair to perform the duties of the Chair of the Board in the absence of the Chair; and
4) To recess meetings.

Rule No. 7. <u>Rights and Duties of Members of the Board of Ethics</u>

The Members of the Board of Ethics shall have the power to, among other things:

1) submit a matter for consideration before the Board;
2) make a motion on any matter before the Board; and
3) make a motion on any matter involving the conduct of the Board's business.

Rule No. 8. <u>Rules of Order</u>

A. The Chair of the Board of Ethics shall decide all questions of order. The Chair's determination shall be final unless an appeal is taken to the full Board and sustained by an affirmative vote of at least a majority of the Members present. Members of the Board shall have the right to appeal rulings of the Chair and assign their reasons for the challenge. The Chair on every appeal shall have the right to assign his or her reason for the ruling.

B. If a matter is under consideration, no motion shall be received except as herein specified:

1) to recess the Board of Ethics meeting;
2) to adjourn the Board of Ethics meeting;
3) to appeal a ruling of the Chair;
4) to waive a Rule of the Board of Ethics;
5) to amend a pending resolution or motion;
6) to table a pending resolution or motion;
7) to table to a date certain;
8) to cut off debate;
9) to approve; or
10) to reconsider a previous action of the Board.

C. A motion for reconsideration must be approved by an affirmative vote of at least a majority of the entire membership of the Board of Ethics. Such motion shall not be in order unless:

1) it is made at the scheduled Board of Ethics meeting (regular or special) at which the action proposed to be reconsidered was voted upon; or

2) it is made at any subsequent scheduled Board of Ethics meeting provided that it does not involve the reconsideration of a vote that has caused something to be done that it is impossible to undo.

D. Except as otherwise provided herein, the rules of the Board of Ethics shall be governed by Robert's Rules of Order.

Rule No. 9. <u>Executive Session</u>

A. As provided in New York Public Officer's Law Section 105, upon a majority vote of the Members present, the Board of Ethics may enter into executive session.

B. Such vote shall be made on a motion to enter into executive session and identifying the general area or areas of the subject or subjects to be considered in such executive session.

C. As provided in New York Public Officer's Law Section 105, such subject matter for executive session may include:

1) matters which will imperil the public safety if disclosed;
2) any matter which may disclose the identity of a law enforcement agent or informer;
3) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4) discussions regarding proposed, pending or current litigation;
5) collective negotiations pursuant to article fourteen of the civil service law;
6) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7) the preparation, grading or administration of examinations; and
8) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

D. Attendance at an executive session shall be permitted to any member of the Board of Ethics and any other persons authorized by the Board, including, but not limited to, Counsel to the Board.

Rule No. 10. <u>Action on Matters Before the Board of Ethics</u>

A. The Executive Director shall cause all new matters addressed to the attention of the Board of Ethics on the agenda for consideration by the Board at its next scheduled meeting.

B. Any member of the Board of Ethics may set forth a resolution, verbally or in writing, to a matter before the Board of Ethics. Such resolution may, by a majority vote of the entire membership of the Board, be:

1) approved;
2) defeated;
3) amended;
4) approved as amended;
5) defeated as amended; or
6) tabled

Now, on a motion of Thomas Isles, seconded by Richard Halverson

Be It Resolved that the above Rules, Regulations and Procedures of the Suffolk County Board of Ethics are hereby adopted.

Upon a vote being taken, the motion was approved. (5-0-0)

Passed by Resolution 008/2013
Dated April 10, 2013

2012 BOARD RULES

R:1 All requests for time extensions shall be in writing and shall be signed by the person required to file a FDS (the "applicant"). Requests should include the applicant's name, address, department or office and contact information. (*superseded by Resolution 012/2013*)

R:2 Requests shall be sent to the Suffolk County Board of Ethics, Sixth Floor, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, N.Y. 11788. (*superseded by Resolution 012/2013*)

R:3 Requests shall state the reason for the time extension request. Please note that section 61-11.C. of the Code of Ethics and Financial Disclosure requires that time extensions may only be granted by the Board for justifiable cause or undue hardship. (*superseded by Resolution 012/2013*)

R:4 The Board may request additional information as necessary to complete its evaluation of the request. (*superseded by Resolution 012/2013*)

R:5 The Board may request that the applicant appear at a meeting of the Board to be available to answer questions the Board may have concerning the request. (*superseded by Resolution 012/2013*)

R:6 In accordance with section 61.11.C., no time extensions may be granted by the Board beyond September 1. (*superseded by Resolution 012/2013*)

2013 BOARD RULES

R:1 The Board approved a 6pm start time for regularly scheduled Board meetings absent reasonable cause to convene at a different time. *(1/16/2013)*

R:2 The Board approved the Notice of Violation Form. (*2/27/2013*)

R:3 The Board approved the Intake procedures for Financial Disclosure Statements. (*2/27/2013*)

R:4 The Board approved all Advisory Opinion fact finding inquiries that are dormant for 90 days, are deemed administratively inactive without prejudice. (*3/11/2013*)

SUFFOLK COUNTY BOARD OF ETHICS FINANCIAL DISCLOSURE FILINGS ADJUDICATION BY MAIL PROCEDURES

In effort to provide public servants every opportunity to be heard, the Suffolk County Board of Ethics allows allegations with respect to failure to file a required Financial Disclosure Statement to be determined by mail adjudications.

ADJUDICATION BY MAIL PROCEDURE

1. Fill out the Suffolk County Board of Ethics "Affidavit in Support of Adjudication By Mail";

2. Attach all evidence that you want the Board to consider in support of your plea designating an admission, denial, or mitigation of fines;

3. The submission date for all adjudications by mail is the Friday before the hearing date set forth on the face of the Notice of Violation;

4. Send the "Affidavit in Support of Adjudication By Mail" and all evidence to the Suffolk County Board of Ethics by hand delivery, US Mail, or facsimile;

5. Upon receipt of the "Affidavit in Support of Adjudication By Mail" and all evidence, the Board or its' staff will confirm receipt of the documentation;

6. If the hearing is conducted by the Board it will be conducted on the date contained in the Notice of Violation;

7. If the hearing is conducted by the Board's Judicial Hearing Officer, the Board will assign a date of adjudication to the Judicial Hearing Officer on the date contained in the Notice of Violation;

8. Pursuant to Suffolk County Administrative Code A §30-6(B) the hearing shall be on the record;

9. The hearing will include a review of all documents contained within the Board's file. Records to be reviewed are inclusive of all correspondence between the Respondent and the Suffolk County Board of Ethics, all certified mailing receipts, all mailing records, any pleading submitted by the Respondent, and any other evidence submitted by the Respondent;

10. If the hearing is conducted by the Board, a vote of the Members present at the hearing will determine if a fine is to imposed pursuant to §77-16 of the Suffolk County Code;

11. If the hearing is conducted by the Board's Judicial Hearing Officer, the Judicial Hearing Officer will prepare a statement of findings to be submitted to the Board, and the Board will determine if a fine is to imposed pursuant to §77-16 of the Suffolk County Code;

12 The Board will notify the Respondent in writing as to the final determination of the adjudication by mail procedures within 45 days of concluding the hearing;

13. An Appeal can be taken on the final determination of the adjudication by mail procedures;

14. Appeals must in writing and be made to the Suffolk County Board of Ethics with 14 days of service upon the Respondent of the final determination of the adjudication by mail procedures;

15. Appeals will be decided by either the Chair of the Board or by the Board's Appeals Judicial Hearing Officer.

Approved by Majority Vote
On April 10, 2013

Affidavit in Support of Adjudication By Mail

State of New York

County of Suffolk

_____, being duly sworn, deposes and says:

1. That my contact information is as follows:

Mailing Address: _____ Department/ Agency/ Board / Committee: _____

_____ _____

_____ _____

Telephone Number: _____ _____

2. **a.** ☐ That I hereby **admit** the charges set forth in the Notice of Violation dated

b. ☐ That I hereby **deny** the charges set for in the Notice of Violation dated

3. That the undersigned makes his/her statement, and explanation of admission or denial, and Affidavit upon oath and affirmation of belief and personal knowledge that the following matter, facts and things set forth are true and correct to the best of his/her knowledge:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Wherefore, the undersigned respectfully requests that the Suffolk County Board of Ethics accept this Affidavit in response to the Notice of Violation, Index No. _____, under §77-10 of the Suffolk County Code "Persons Required to file Financial Disclosure Statement."

_____
Signature

Sworn to before me this

_____ day of _____ 20___

_____
Notary Public's Signature

Return to: Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

NOTICE OF APPEARANCE

STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X
In the Matter of

_____

Index No. _____

----------X

PLEASE TAKE NOTICE, that _____, hereby appears in the above entitled action by the undersigned who has been retained as the attorney for _____ and all papers in this action should be served upon the undersigned at the office or post office address stated below.

Dated: _____ day of _____ 20___

_____
(Signature)
By: _____

Attorney for _____

Office Address:

_____

_____

Telephone Number: (_____)_____

Return to: Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

SUFFOLK COUNTY BOARD OF ETHICS PROCEDURAL RULES FOR HEARINGS

I. INITIAL DETERMINATION

1. If the Board makes an initial determination pursuant to the Suffolk County Charter A§30-6(A), a review of the County Financial Disclosure requirements, based on a complaint, investigation, or other information available to the Board, that there is reasonable cause to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article I, of the Suffolk County Code or other applicable provision of law pursuant to A§30-5(A), the Board shall notify the public servant of its determination in writing. The notice shall contain a statement of the facts upon which the Board relied for its determination of reasonable cause and a statement of the provisions of law allegedly violated. The Board shall also inform the public servant of the Board's procedural rules. The public servant shall have a reasonable time to respond and shall have the right to be represented by counsel or any other person.

2. If, after receipt of the public servant's response, the Board determines that there is no reasonable cause to believe that a violation has occurred, the Board shall dismiss the matter and inform the public servant in writing of its decision.

3. If, after consideration of the public servant's response, the Board determines that there remains reasonable cause to believe that a violation has occurred, the Board may direct a hearing be conducted, conduct the hearing, or refer the matter to the appropriate agency if the public servant is subject to the jurisdiction of any state law or collective bargaining agreement which provides for the conduct of disciplinary proceedings.

II. COMMENCEMENT OF FORMAL PROCEEDINGS AND PLEADINGS

1. The Board shall institute formal hearing proceedings by serving a petition on the public servant personally or by certified or registered mail, return receipt requested, or in such manner as the Board directs, if service is impracticable by the aforementioned methods. The Petition shall set forth the facts which, if proved, would constitute a violation of Chapter 77, Part 1, Article I of the Suffolk County Code or other applicable provision of law, as well as the applicable provisions thereof which are alleged to have been violated. The petition shall also advise the public servant of the public servant's rights to file an answer, to a hearing, to be represented at such hearing by counsel or any other person, and to cross-examine witnesses and present evidence.

2. The public servant shall answer the petition by serving an answer on the Board within eight days after service of the petition, unless a different time is fixed by the Board. The public servant shall serve the answer personally or by certified or registered mail, return receipt requested. The answer shall be in writing and shall contain specific responses, by admission, denial, or otherwise, to each allegation of the petition and shall assert all affirmative defenses, if any. The public servant may include in the answer matters in mitigation. The answer shall be signed and shall contain the full name, address,

and telephone number of the public servant. If the public servant is represented, the representative's name, address, and telephone number shall also appear on the answer, which shall be signed by either the public servant or by his or her representative.

3. If the public servant fails to serve an answer, all allegations of the petition shall be deemed admitted and the Board shall proceed to hold a hearing in which prosecuting counsel shall submit for the record an offer of proof establishing the factual basis on which the Board may issue an order. If the public servant fails to respond specifically to any allegation or charge in the petition, such allegation or charge shall be deemed admitted.

4. No technical forms of pleadings or motions shall be required. Except when otherwise specifically provided by law, pleadings need not be verified or accompanied by affidavit.

III. PRE-HEARING CONFERENCES AND DISCOVERY

The Board may require, or grant, that the named party or representative appear for a pre-hearing conference before a Board designee, Hearing Officer appointed by the Board or the Executive Director to consider motions and/or applications for bills of particular or requests for production of materials or information, including but not limited to, any witness statements, investigatory statements or notes, exculpatory evidence or any other evidence relevant and material to the public servant's defense.

IV. HEARINGS

1. Hearings shall be conducted by the Board, or upon designation by the Board, by a member of the Board or Hearing Officer appointed by the Board.

2. The Board may hear a case or may designate a member of the Board or Hearing Officer to hear a case, make findings of fact and conclusions of law, preside over pre-hearing matters and adjournments, and make recommendations to the Board for the proposed disposition of the proceeding.

3. The Board may authorize General Counsel or any other lawyer under their authority to present evidence at a hearing. Prosecuting counsel shall have the burden of proof by a preponderance of the evidence, shall initiate the presentation of evidence, and may present rebuttal evidence. The responding party may introduce evidence after prosecuting counsel has completed his or her case. Opening statements, if any, shall be made first by prosecuting counsel. Closing statements, if any, shall be made first by the responding party. This order of proceedings may be modified at the discretion of the Board.

4. Compliance with technical rules of evidence is not required. The hearing shall be public or private at the discretion of the public servant. The public servant shall have a reasonable opportunity to defend himself or herself and an opportunity to testify in his or

her own behalf, but shall not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, and to cross-examine witnesses. All testimony shall be taken under oath which the Board or Board designee or Hearing Officer is authorized to administer.

V. DECISIONS AND ORDERS

1. When a hearing has been conducted by a Hearing Officer or member of the Board designated to hear the case, a report of recommended findings of fact and conclusions of law and recommendations for the disposition of the proceeding shall be issued and forwarded, along with any recording of the proceeding and all documents introduced into the record, to the Board for review and final action. The report shall not be made public.

2. If, after the hearing and upon a consideration of all the evidence in the record of hearing, the Board finds that a public servant has engaged in conduct in violation of Chapter 77, Part 1, Article I, or other applicable provision of law, of the Suffolk County Code, the Board shall state its final findings of fact and conclusions of law and issue an order taking the following action:

   a. Dismissing the petition;
   b. Referring the matter to the appropriate agency;
   c. Issuing a warning letter; and/or
   d. Imposing a civil fine.

3. The Board shall issue its final decision within forty-five days after the completion of the hearing. If the Board is unable to issue its decision within this forty-five day period, it shall so advise the public servant prior to the expiration of the forty-five day period. In no event, shall the Board issue its decision more than ninety days after the completion of a hearing.

4. The Board's order and the Board's findings and conclusions shall be made public.

5. The Board's decision and order shall set forth its conclusions and such penalties and, when appropriate, may refer the matter to the District Attorney or other appropriate law enforcement agency[i,ii].

VI. GENERAL MATTERS

1. Computation of Time

In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Computation of time shall be all calendar days,

except that when the last day of the time period falls on a Saturday, Sunday or public holiday, the period shall run until the end of the next following business day.

2. Appearances

In a proceeding before the Board, any person or party may appear on his or her own behalf, or by an attorney or by a duly authorized representative. The person appearing for the party shall file a Notice of Appearance with the Board on a form prescribed by the Board which shall state either that the individual is an attorney duly licensed to practice law or if not an attorney, that the authorization includes the power of the agent or representative to bind the person in the matter before the Board.

3. Service of Papers

Any paper required to be served upon a public servant shall be served upon him or her or upon the representation designated by him or her or on any person otherwise designated by law to receive service of papers.

Service of a petition and answer shall be by personal service or certified mail, return receipt requested, or as otherwise authorized by law, as described in subsection III. Service of notices, orders, and all other documents, except petitions, answers and subpoenas, shall be served on the public servant as follows:

a. by personal delivery, or hand delivery to the person to be served; or
b. by first class mail, or overnight delivery, to the public servant's last known residence or actual place of business; or
c. in such a manner as the Board directs, if service is impracticable under paragraphs (a) through (b) of this subdivision, or in any manner agreed upon by the parties.

4. Subpoenas

The Board may issue subpoenas for witnesses and/or documentary evidence by supermajority vote. The Board may quash or modify the subpoena by a supermajority vote upon a showing of good cause.

5. Record of the Hearings

All hearings, whether open or closed, shall be recorded by electronic means.

6. Continuances

A hearing scheduled to be conducted before the Board shall not be delayed by a continuance unless a motion for continuance is made not less than five days before the

scheduled hearing date. A continuance shall not be granted unless the motion for continuance, in the Board's opinion, sets forth good and sufficient cause for the continuance.

7. Interpreters

The Board shall ascertain before the hearing whether an interpreter will be required and make appropriate arrangements.

8. Confidentiality

Testimony received or other information obtained by a member of the Board or the staff of the Board in connection with the conduct of a hearing is confidential and shall not be disclosed by any such individual to any person or entity outside the Board. However, the Board shall provide all documents requested by the Suffolk County Legislature or as required by law[iii].

9. Ex Parte Communications

After service of the petition in a case, and except for ministerial matters and except on consent or in an emergency, communications with the Board designee or Hearing Officer appointed to conduct the hearing shall only occur with all parties present.

VII. MOTIONS FOR RECONSIDERATION

A motion for reconsideration, rehearing, or re-argument of a final decision shall be filed by a party within 10 days of the order having become final. The motion shall be served upon all other parties and shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought. Evidence that was not presented in the hearing will not be considered on reconsideration, re-hearing, or re-argument.

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i. Suffolk County Code A30-6(C): If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has committed a violation, it shall issue a decision and order setting forth its conclusions and imposing such penalties as it deems appropriate and, when appropriate, may refer the matter to the District Attorney or other appropriate law enforcement agency. If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has not violated provisions of Chapter 77, Part 1, it shall issue a decision setting forth its conclusion.

ii.

30 days late	For May 15th filers, on or before June 21, 2013	$250
60 days late	For May 15th filers, on or before July 22, 2013	$500
90 days late	For May 15th filers, on or before August 20, 2013	$750
120 days late	For May 15th filers, on or before September 19, 2013	$1,000

iii. § A30-8. CONFIDENTIALITY.

[Amended 8-21-2012 by L.L. No. 49-2012]

A. Except as otherwise provided by this article, testimony received or any other information obtained by a member of the Board or the staff of the Board in connection with the preparation of an advisory opinion or the investigation of a complaint or referral, or the conduct of a hearing related to a complaint or referral, is confidential and shall not be disclosed by any such individual to any person or entity outside the Board. However, the Board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics. Such a request for records must be approved by a 2/3 vote of the Legislature via a procedural motion.

B. Any unauthorized disclosure of confidential information by a member of the Board, or the executive director, independent counsel or staff of the Board, shall be a violation punishable by a fine of not more than $1,500, or imprisonment of not more than 15 days, or both.

Approved by Majority Vote
On November 20, 2013

SUFFOLK COUNTY BOARD OF ETHICS ADVISORY OPINION PROCEDURES

1. County officers, county employees and any other parties subject to or affected by the Code of Ethics may submit requests for advisory opinions from the Board of Ethics with respect to proposed future conduct or action by a public servant. All such requests for Advisory Opinions shall be kept confidential.

2. All Advisory Opinion requests will:

    a. Be in writing;
    b. Be signed by the requester;
    c. Identify all relevant facts and circumstances;
    d. Be directed to the Executive Director or Chair of the Board.

3. Upon receipt of a written request for an advisory opinion, the Executive Director shall acknowledge the request in writing.

4. The Executive Director may conduct fact-finding and background research which may include, but is not limited to, legal research, departmental policies, and conferring with Board Counsel. The Executive Director shall prepare a summary of fact finding to be presented to the Board.

5. The Board of Ethics shall consider requests for Advisory Opinions at a regular or special meeting. The Board shall determine whether requests are within the jurisdiction of the Board. The Board may defer or extend its deliberations pending the receipt of additional information.

6. For requests that the Board determines are within its jurisdiction and for which the Board has sufficient information, the Board, shall determine whether or not it will issue an opinion. In determining whether to issue an opinion, the Board may consider the following general factors:

    a. Would an opinion assist the requester and guide proposed future conduct;
    b. Is the issue one of general application to others who are subject to the Code of Ethics;
    c. Has the Board previously issued an opinion on the issue or substantially the same issue, and if so, should the previous opinion be reconsidered due to new facts or circumstances;
    d. If the matter is currently under an administrative, civil, or criminal investigation; and
    e. The existence of a conflict of interest by the Board that requires recusal.

7. If the Board of Ethics determines the subject of a request for an advisory opinion is not within the jurisdiction of the Board, or if the Board determines it will not issue an opinion based on the facts before it, the Executive Director shall prepare a letter from or on behalf of the Chair of the Board to the requester explaining the determination of the Board.

8. If during the fact-finding process, the Board of Ethics determines additional information about the request is needed, the Executive Director shall prepare and deliver a letter on behalf of the Board to the requester explaining the need for additional information.

9. Within 45 days after completion of fact-finding, the Board will issue a requested Advisory Opinion. If the Board is unable to issue the Advisory Opinion within 45 days, it shall so advise the person who requested the opinion before the 45 days has expired. All Advisory Opinions shall be issued within 90 days after fact finding is completed.[1]

10. Every final advisory opinion shall be preceded by the following note:

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.

11. The Chair shall sign the final advisory opinion of the Board and promptly forward the signed opinion to the requester.

12. The requester shall have 15 business days from the time the 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.

13. Advisory Opinions shall be designated as follows: Advisory Opinion [year-number].

14. A public servant whose conduct or action is the subject of an Advisory Opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.

15. Publication: The final Advisory Opinion will be reviewed and redacted of all identifying information and will be published on the Suffolk County Board of Ethics website.

16. Release of a copy of the un-redacted version of the Advisory Opinion from anyone other than the requester is prohibited. The Board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics. Such a request for records must be approved by a two-thirds (2/3) vote of the Legislature via a procedural motion.

17. Requests for advisory opinions shall be confidential, but the Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party.

Passed by Resolution 004/2013
On January 30, 2013

Note
1. As per Board Meeting dated March 11, 2013, fact-finding inquiries that lay dormant for 90 days become administratively inactive without prejudice.

EBAO-2013
1 Page Form

FOR OFFICE USE ONLY:

AO REQUEST NUMBER: _____ DATE RECEIVED: _____

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Advisory Opinion Request Form

Requestor's Information

FOR OFFICE USE ONLY

(STAMP RECEIVED)

Your Name: _____

Department/Agency/Committee: _____

_____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

_____

Detailed Description of Request (attach additional pages if necessary): _____

_____

_____

_____

_____

Have you previously received an advisory opinion on this matter? : ☐ Yes ☐ No

Dated: _____

Requestor's Signature: _____

Printed Name: _____

SUFFOLK COUNTY BOARD OF ETHICS, ETHICS VIOLATION COMPLAINT PROCEDURES

1. A Complainant does not have to request confidentiality, all complaints are confidential under Article §30-8 of the Suffolk County Board of Ethics.

2. The Suffolk County Board of Ethics, upon receiving a written complaint will:

    a. Make an initial determination that there is reasonable cause to believe that a public servant has violated a provision of Chapter 77 or other applicable provision of law,
    b. Determine if there is no reasonable cause to believe that a public servant has committed a violation, then the Board will dismiss the Complaint.

3. All Complaints must provide the following to the extent the information is available:

    a. The name of the individual(s) who is (are) the subject of the Complaint.
    b. The time, date, and location of the alleged violation.
    c. A detailed description of facts as to the alleged violation.
    d. The complainant's association and/or affiliation to the person (s) who is (are) the subject of the Complaint.
    e. The name and contact information (phone number, address, email, fax) of the individual Complainant or referring agency/department.
    f. Any supporting documents, including but not limited to: emails, contracts, photographs, invoices, statements of witnesses, and audio visual recordings will be reviewed for probative value and included in the Board's reasonable cause determination of conducting a further investigation, hearing, or dismissal.

4. All Complaints will be assigned a Complaint number and the Complainant will receive a confirmation that the Complaint was received.
5. The Suffolk County Board of Ethics and its staff will catalog all Complaints by the assigned Complaint number.

6. The Suffolk County Board of Ethics Board Members, Executive Director, and Staff may not provide assistance or advice to the Complainant in preparing the Complaint for submission to the Board of Ethics. Upon review of the Complaint, additional information may be requested from the Complainant by the Suffolk County Board of Ethics and its staff.

7. Upon review of the complaint and evidence, the Executive Director and staff shall gather further facts in order to present a finding of facts and recommendation of reasonable cause based upon credible evidence to the Board.

8. The Suffolk County Board of Ethics will notify the Complainant of its determination dismissing the complaint or to conduct a further investigation with 45 days of receipt.

9. The Board can refer an alleged violation to the head of the agency served by the public servant if related disciplinary charges are pending against the public servant.

10. The Board will respond to a public servant or supervisory official of such public servant request to the Board to review and make a determination regarding past or ongoing action of such public servant.

11. The Board, on its own motion, may review a past or ongoing action of a public servant, in the same manner as a complaint received by the Board from a member of the public.

12. Dismissal of a Complaint does not preclude the Complainant from renewing a Complaint with additional documentation for the Suffolk County Board of Ethics to review. Upon the Suffolk County Board of Ethics' determination that three unfounded complaints were filed in the same 6 month period from the same matter, the Board has the right to refuse any additional identical complaints from said Complainant during the remainder of that 6 month time period.

13. The Suffolk County Board of Ethics may amend the Complaint Procedure. Amendments are not retroactive and are effective on the date they are adopted by the Board.

14. The Suffolk County Board of Ethics does not accept emailed complaints.

15. Complaints can be made by fax at : (631) 852-4041

16. Complaints can be hand delivered or mailed to the Suffolk County Board of Ethics at:

    Suffolk County Board Of Ethics
    335 Yaphank Avenue
    Yaphank, New York 11980

Passed by Resolution 003/2013
On January 30, 2013

FOR OFFICE USE ONLY:	
COMPLAINT NUMBER: _____	DATE RECEIVED: _____

EBCF-2013
2 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Ethics Violation Complaint Form

Complainant's Information

Your Name: _____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

_____

_____

FOR OFFICE USE ONLY

(STAMP RECEIVED)

Alleged Violation

Who is the complaint against? : _____

What is your association or affiliation to the person (s) you are filing a complaint against? : _____

_____

How is this person associated to Suffolk County?

"X" Box that applies (Required) : ☐ COUNTY EMPLOYEE ☐ ELECTED OFFICIAL

☐ BOARD/COMMITTEE/COMMISSION/COUNCIL MEMBER

Date and Time Alleged Violation Occurred: _____

Location and Address: _____

_____

Please explain your complaint fully, if insufficient space is provided additional sheets may be attached, providing a detailed description of the facts and the actions of the person (s) named on page 1 of this form. Include relevant dates and the names and addresses of persons whom you believe may be witnesses.

_____

_____

_____

_____

_____

_____

_____

_____

Identify below any supporting documents, i.e. Emails, contracts, photographs, invoices, statements of witnesses, and audio/visual recordings. Attach all supporting documents to this form.

_____

_____

Please read statement below, sign and date.

I, _____, hereby acknowledge that making a false statement herein is
(Insert Your Name)
punishable as a misdemeanor under section 210.45 of the New York State Penal Law.

Dated: _____

Complainant's Signature: _____

Printed Name: _____

NOTICE: It shall be unlawful for any person to make a complaint or threaten to make a complaint to the Board against a public servant, or to offer to withdraw a complaint against a public servant, in order to improperly influence that public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant. Such conduct will constitute a violation punishable by a fine of not more than $1,500, or imprisonment of not more than 15 days, or both.

OFFICE PROCEDURES INTAKE OF HARD COPY FINANCIAL DISCLOSURE STATEMENTS & EXTENSION APPLICATIONS

1. Financial Disclosure Statements (hereinafter "FDS") and Financial Disclosure Statement Extension Applications (hereinafter "FDSE") will be stamped "Received, Suffolk County Ethics" with the month, day and year it was received in the Office of the Suffolk County Board of Ethics.

2. Received FDS and FDSE requests will be logged into a spreadsheet identifying the following:

    a. Date the FDS or FDSE was received in-office;
    b. Filer designation (employee, non-employee, elected official);
    c. Sender, return address, and receipt type (i.e. via: regular, certified or inter-office mail, or hand-delivered).

3. All FDS will be placed in a "To Be Reviewed" folder in chronological order.

4. All extension requests made by the filer pursuant to § 77-11(C) shall be reviewed by the Executive Director and forwarded to the Board.

5. The Board shall provide a written notification of the Board's determination as to any extension request filed pursuant to § 77-11(C) in a timely manner.

6. Privacy requests attached to FDS made by the filer pursuant to § 77-14(B) shall be reviewed by the Executive Director and forwarded to the Board.

7. As per § 77-14(B) the Board shall provide a written notification of the Board's determination to the person who requested that information be withheld from public inspection in a timely manner.

8. Once a FDS is reviewed, it will be deemed complete or incomplete.

9. All incomplete FDS will be forwarded to the Chair of the Board.

10. After Board review, a letter will be sent to filer informing them that their FDS was reviewed and the Board's determination as to further inquiry.

11. As per § 77-11(D) any amendments and changes to a FDS made after its filing shall be made on a separate form to be provided by the Board and attached to the statement.

12. Complete FDS will be placed in the corresponding Department or Agency file folder.

13. Incomplete FDS will be placed in an individual, filer specific, folder until such time as it is deemed complete.

    a. Once complete, it, and all of its contents, will be transferred to the corresponding Department or Agency file folder and,

    b. A letter will be sent to filer informing them that their FDS has been deemed complete.

Approved by Majority Vote
On February 27, 2013

EBAD-2013
Rev. Jan. 13
2 Page Form

FOR OFFICE USE ONLY:

ADDENDUM NUMBER: _____ DATE RECEIVED: _____

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

ADDENDUM TO
FINANCIAL DISCLOSURE STATEMENT

Use this form to make any amendment (s) or addition (s) to your filed Financial Disclosure Statement. The original will be attached to your filed statement and a copy will be returned to you stamped received.

Directions: Please complete the table below. Specify the question number and the information to be changed or added. If you are correcting a failure to check a box, please state whichever applies; "box should be checked none" or "box should be checked not applicable." In the event any addendum cannot be submitted in the format below, please attach an additional statement. When you are finished, please complete the attestation on page 2 of this form.

Question Number	Information to be added or changed

ATTESTATION

I hereby certify that I have read the foregoing information which is submitted as an addendum to my Financial Disclosure Statement dated the ____day of_____, 20____, and that, to the best of my knowledge and belief, my Financial Disclosure Statement and this addendum are true, correct and complete. I further certify that I have not and will not transfer any asset, interest or property for the purpose of concealing it from lawful public disclosure while retaining an equitable interest herein.

_____
Signature

_____
Printed Name

STATE OF NEW YORK:

ss:

COUNTY OF SUFFOLK:

Sworn to before me this _____ day of _____, 20_____.

_____
Notary Public

Affix Stamp:

FOR OFFICE USE ONLY

(STAMP RECEIVED)

FOR OFFICE USE ONLY:	
APPLICATION NUMBER: _____	DATE RECEIVED: _____

EBEA-2013
2 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Extension Application for Financial Disclosure Statement

Directions: Use this form to apply for an extension of time for filing an annual Financial Disclosure Statement due to justifiable cause or undue hardship.

Complete the box below and page two of this form "Statement of Justifiable Cause or Undue Hardship."

The application must be signed and post-marked or hand-delivered **no later than** May 15, 2013 for the forms due to be filed on May 15, 2013.

Denials will be given seven (7) days to submit the Financial Disclosure Statement without penalty.

APPLICANT'S NAME	
DEPARTMENT / AGENCY / BOARD OR COMMITTEE	
EMAIL ADDRESS	
TELEPHONE NUMBER (SPECIFY HOME OR BUSINESS)	
HOME ADDRESS	NUMBER & STREET
	CITY, STATE & ZIP
WORK ADDRESS	AGENCY
	NUMBER & STREET
	CITY, STATE & ZIP
	JOB TITLE

LATE OR INCOMPLETE APPLICATIONS SHALL NOT BE CONSIDERED.

Statement of Justifiable Cause or Undue Hardship:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Date: _____

I, _____, hereby apply for an extension of time for filing
(Insert Your Name)

my _____ Financial Disclosure Statement based on justifiable cause or undue hardship.
(Filing Year)

Applicant's Signature: _____

Printed Name: _____

FOR OFFICE USE ONLY
(STAMP RECEIVED)

LATE OR INCOMPLETE APPLICATIONS SHALL NOT BE CONSIDERED.

FOR OFFICE USE ONLY:	
APPLICATION NUMBER: _____	DATE RECEIVED: _____

EBEA2-2013
2 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Extension Application for Financial Disclosure Statement

Form EBEA2-2013

For filers subject to financial disclosure reporting under the Suffolk County Code §77-10 (B) and (C) in accordance with Suffolk County Board of Ethics Resolution No. 012-2013

Directions: Use this form to apply for an extension of time for filing an annual Financial Disclosure Statement due to justifiable cause or undue hardship.

Complete the box below and page two of this form "Statement of Justifiable Cause or Undue Hardship."

Pursuant to the Suffolk County Code Section 77-11 (C), a request for a filing date after September 1, 2013 will not be considered.

APPLICANT'S NAME	
DEPARTMENT / AGENCY / BOARD OR COMMITTEE	
EMAIL ADDRESS	
TELEPHONE NUMBER (SPECIFY HOME OR BUSINESS)	
HOME ADDRESS	NUMBER & STREET
	CITY, STATE & ZIP
WORK ADDRESS	AGENCY
	NUMBER & STREET
	CITY, STATE & ZIP
	JOB TITLE

LATE OR INCOMPLETE APPLICATIONS SHALL NOT BE CONSIDERED.

Statement of Justifiable Cause or Undue Hardship:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Date: _____

I, _____, hereby apply for an extension of time for filing
(Insert Your Name)

my _____ Financial Disclosure Statement based on justifiable cause or undue hardship.
(Filing Year)

Applicant's Signature: _____

Printed Name: _____

FOR OFFICE USE ONLY

(STAMP RECEIVED)

LATE OR INCOMPLETE APPLICATIONS SHALL NOT BE CONSIDERED.

SUFFOLK COUNTY BOARD OF ETHICS FREEDOM OF INFORMATION PROCEDURES

Procedure for Submitting Freedom of Information (FOIL) Request (s) (Access to Public Records)

GENERAL INFORMATION

Certain records of the Suffolk County Board of Ethics (hereinafter "Board of Ethics" or "Board") are available for public inspection as provided for in the Suffolk County Code, Chapter 77 and the Public Officers Law, Section 87. Individuals wishing to review records maintained by the Suffolk County Board of Ethics, including Financial Disclosure Statements, may do so by following the procedures listed below.

APPLICATION PROCEDURE

1. An Application for Public Access to Records is available on the Board of Ethics page of the Suffolk County website. (Go to www.suffolkcountyny.gov, select "Government" and then select "Board of Ethics" from the list of "Agencies and Boards.") An application may also be requested by contacting the Board of Ethics by email, phone or regular mail using the contact information listed below.

2. Applications should be filled out in their entirety and mailed, emailed, faxed or hand delivered to the Board's Freedom of Information Officer (hereinafter "FOI Officer") using the contact information listed below. The FOI Officer will send acknowledgment of receipt, within five business days of the receipt of the application, and an approximate date when the determination will be made on the request.

3. The FOI Officer will review the application to determine whether the record (s) requested will be made available. Chapter 77 the Suffolk County Code prohibits the Board of Ethics from releasing certain information, particularly pertaining to Financial Disclosure Statements. The FOI Officer will notify the requesting individual, within twenty business days from the date of acknowledgement of receipt, whether request was granted or denied. Notification will be sent by means of a copy of the application with applicable box checked in Section 2. If granted, the FOI Officer will also notify the applicant of the date the records will be made available. If denied, the FOI Officer will provide a reason for the denial.

4. **Please note:** As exempted under the New York State Freedom of Information Law (FOIL), the following personal information will be redacted from any record prior to release: Home address, home telephone number, un-emancipated child(ren)'s name(s), and spouse's name.

5. **Please note:** As exempted under the Suffolk County Code §77-14(D), all Categories of Value will be redacted from any Financial Disclosure Statement prior to release.

HARD COPY REQUESTS

1. Upon receiving a notice of approval, the requesting individual may call or email the Office of the Board of Ethics to make an appointment to pick up the requested record (s). Appointments are required and will be scheduled for the hours between 10:00 A.M. and 3:00 P.M., Monday - Friday excluding Holidays.

   a. Copies of the material can be prepared by the Board of Ethics Staff at the cost of 25 cents per page. Additional charges apply to requests that require an outside professional service or an excess of two hours of agency employee time to prepare copies in compliance with the request in accordance with the Public Officer's Law §87.

   b. Arrangements should be made in advance to pick up the copies of the record (s). The requesting individual must pick up the copies in person and must be prepared to present valid government issued identification at that time.

   c. The Board of Ethics is required to redact certain information from Financial Disclosure Statements prior to public release, including information for which the Board has approved a privacy request made by the individual submitting the Statement. As a result, there may be some delay between the approval of the application and the date on which the material will be available.

   d. Prior to being given access to the record (s) valid government issued identification must be presented. A Board representative will make a photocopy of the identification to be maintained in the office's records.

   e. On the day the record is made available, the Board is required to notify the individual whose Statement has been made available for public inspection that said request has been approved and must include in that notification the identity of the individual to whom the Statement was produced.

   f. The Suffolk County Board of Ethics staff does not hold authority to comment on the disclosed information contained within the produced records under any FOIL request.

REQUESTS FOR IN-PERSON REVIEW OF RECORDS

1. Upon receiving a notice of approval, the requesting individual may call or email the Board of Ethics office to make an appointment to review the record (s) in person at the office of the Board of Ethics. Appointments are required and will be scheduled for the hours between 10:00 A.M. and 3:00 P.M., Monday - Friday excluding Holidays.

   a. Prior to being given access to the record (s) valid government issued identification must be presented. A Board representative will make a photocopy of the identification to be maintained in the office's records and retain the original identification until each record is returned in its' entirety.

   b. The material made available may not be taken from the Office of the Board of Ethics under any circumstances.

   c. While in the office, the requesting individual may make copies of all or any portion of the material using his/her own electronic copying device. Upon request, the Board of Ethics staff can make copies of the material at the cost of 25 cents per page. Depending on how much material is to be copied, it may take some time to complete the copying. Requesting individuals may have to return to the office at a later time to pick up the copies.

   d. All of the material that is provided for review must be returned to the Board's staff prior to leaving the office. Should the requesting individual be unable to complete his/her review in a single visit to the office, an appointment may be made to conduct further review.

   e. The Suffolk County Board of Ethics staff does not hold authority to comment on the disclosed information contained within the produced records under any FOIL request.

APPEALS

1. **You have a right to appeal a denial of Application in writing to the Office of the County Attorney within 30 days of the denial. Information as to the person to contact is shown below. The contacted person must respond to you in writing within ten business days of receipt of your appeal.**

ADDRESS FOR APPEALS ONLY: Suffolk County Attorney
Attn: FOIL Appeals Officer
H. Lee Dennison Building, 6th Floor

P.O. Box 6100
Hauppauge, New York 11788

QUESTIONS

Questions concerning these procedures should be directed to the Office of the Board of Ethics, utilizing the following contact information:

Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980
Office: (631) 852-4038
Fax: (631) 852-4041
Email: ethicsboard@suffolkcountyny.gov

Approved
On April 10, 2013

Revised
On May 3, 2013

Amended &
Passed by Resolution 011/2013
On June 11, 2013

FOR OFFICE USE ONLY:
FOIL REQUEST NUMBER: _____ DATE RECEIVED: _____

EBFOIL-2013
4 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Application for Access to Public Records (FOIL Request)

Instructions to Applicant: Please complete Section 1 of this application (continues on page 2). Mail, email, fax or hand -deliver completed application to the agency Freedom of Information Officer listed below.

FOR OFFICE USE ONLY
(STAMP RECEIVED)

Provide request to: Attn: Samantha Segal, Esq.
Freedom of Information Officer
Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980

Section 1: To be completed by Applicant.

Contact Information:

Your Name:	
Address:	
Department/ Agency/ Committee (If Applicable):	
Phone:	Fax:
Email Address:	

I hereby apply to inspect the following record. (Please describe the record sought. If possible, supply a date, filer's name, a department name, and any other information that will help locate the record desired):

_____

_____

_____

_____

_____

_____

_____

_____

If you requested a list of names and/or addresses, will the list be used for solicitation or fund-raising purposes? ☐ Yes ☐ No

Date of Application: _____

Signature of Applicant: _____

Printed Name: _____

Section 2: For use by agency's Freedom of Information Officer Only.

☐ Approved

☐ Records not maintained or possessed by this agency.

☐ Records cannot be found after diligent search.

☐ Denied. Reason for denial _____. (Insert number corresponding to applicable reason for denial as listed in section 4 of this application. Further detail may also be provided on the last page of this form.)

☐ Receipt of this request is acknowledged. The approximate date by which a determination will be made is _____. (If more than 20 business days, state reason for delay and a date certain for response.)

_____

_____

_____

Date Certain for Response: _____

Date: _____

Freedom of Information Officer's Signature: _____

Section 3: Notice to Applicant.

YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION IN WRITING TO THE OFFICE OF THE COUNTY ATTORNEY WITHIN 30 DAYS OF THE DENIAL. INFORMATION AS TO THE PERSON TO CONTACT IS SHOWN BELOW. THE CONTACTED PERSON MUST RESPOND TO YOU IN WRITING WITHIN TEN BUSINESS DAYS OF RECEIPT OF YOUR APPEAL.

ADDRESS FOR APPEALS ONLY:

Section 4: Reason for denial of access to records.

1. Records are specifically exempted from disclosure by State or Federal Statute.

2. Disclosure would constitute an unwarranted invasion of personal privacy as follows:

    a. Disclosure of certain employment histories, medical or credit histories or personal references of applicants for employment;

    b. Disclosure of items involving the medical or personal records of a client or patient in a medical facility;

    c. Sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;

    d. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;

    e. Disclosure of information of a personal nature reported in confidence to an agency and not relevant to the work of the agency requesting or maintaining it;

    f. Information of a personal nature contained in a workers' compensation record, except as otherwise provided by the Workers' Compensation Law; or

    g. Other (specify):

    _____

    _____

    _____

3. Disclosure would impair present or imminent contract awards or collective bargaining negotiations.

4. Records are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise.

5. Records are compiled for law enforcement purposes and, if disclosed, would:

    a. Interfere with law enforcement investigations or judicial proceedings;

    b. Deprive a person of a right to a fair trade trial or impartial adjudication;

    c. Identify a confidential source or disclose confidential information relating to a criminal investigation; or

    d. Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

6. Disclosure would endanger the life or safety of a person or persons.

7. Records are inter-agency or intra-agency materials which are not:

    a. Factual or statistical tabulations or data;

    b. Instructions to staff that affect the public;

    c. Final agency policy or determinations; or

    d. External audits, including but not limited to audits performed by the comptroller and the federal government.

8. Records are examination questions or answers requested prior to the final administration of such questions.

9. Records, if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

Explanation of reasons for denial, if necessary (annex additional pages if necessary):

_____

_____

RECEIPT NUMBER: 4

EBFOILR-2013
1 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Receipt for Payment of Freedom of Information Law Fees (FOIL Fees Receipt)

Date: _____

- Suffolk County Agency or Department Requesting Access to Records (If Applicable): _____
- Name of Individual, Group or Concern Requesting Access to Records: _____

A. Date Request Received: ..... _____

B. Fee for Reproduction or Copying: . $_____ at 25¢ Per Page

C. Fee for Postage (If Applicable): .... $_____ at Current Standard Rate

D. Total Fee: ..... $_____

E. Party Requesting Records Was Advised of Results of His/ Her Request:

☐ By Mail,
☐ By Telephone,
☐ In Person,

On _____ Day of _____, 20____.

F. _____
Signature of Employee Conducting Search and Compiling Records

G. _____
Printed Name of Employee

H. _____
Signature of Freedom of Information Officer

I. _____
Printed Name of Freedom of Information Officer

WHITE: OFFICE COPY YELLOW: DELIVERY RECEIPT PINK: CUSTOMER COPY

FOR OFFICE USE ONLY:
DATE RECEIVED: _____

EBR-2013
1 Page Form

SUFFOLK COUNTY BOARD OF ETHICS

335 Yaphank Avenue, Yaphank, New York 11980 · Office 631.852.4038 · Fax 631.852.4041

Recusal Form

Directions: Please complete the statement below, sign and file with the office of the Suffolk County Board of Ethics at 335 Yaphank Avenue, Yaphank, New York 11980.

Statement Pursuant to
Suffolk County Code §77-7 "Recusal and Disclosure."

I, _____, do hereby recuse myself from:

A. Description of Matter Requiring Action: _____

_____

_____

B. Nature and Extent of Conflict: _____

_____

_____

Dated: _____

_____
Signature

_____
Printed Name

§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.

RESOLUTION SEPTEMBER 12, 2012
BOARD SECRETARY APPOINTMENT

By motion of Robin L. Long, seconded by Linda A. Spahr, adopted unanimously, the Board of Ethics hereby appoints Darlene Kurrass as secretary to the Board, at a starting salary of $45,884.00.

Adopted at the September 12, 2012 meeting of the Board of Ethics, held at Yaphank, New York.

RESOLUTION DECEMBER 19, 2012
EXECUTIVE DIRECTOR APPOINTMENT

Whereas, the Suffolk County Board of Ethics has a vacancy for the position of Executive Director, a position vital to the operation of the Board in the fulfillment of its duties, and

Whereas, sufficient appropriations exist within the Board's budget to fund the position, and

Whereas, the Board conducted an exclusive search for a qualified candidate to fill the position, and

Now, on a motion of Robin L. Long, seconded by Thomas A. Isles

Be It Resolved that Samantha L. Segal, Esq. of Centerport, New York is hereby appointed Executive Director of the Suffolk County Board of Ethics at an annual starting salary of $101,242.

Be It Further Resolved that said appointment is to commence on or about January 7. 2013.

Upon a vote being taken, the motion was approved (3-0-0, Halverson, Isles, Long).

RESOLUTION 001/2013
DATED JANUARY 16, 2013

WHEREAS, the Board of Ethics wishes to memorialize the duties and responsibilities of the newly created position of Executive Director; and

WHEREAS, Section C30-4(B) of the Suffolk County Charter authorizes the Board of Ethics, by a majority of its members, to delegate authority to its Executive Director, provided such delegation be in writing;

NOW THEREFORE, the Board of Ethics hereby affirms that the duties of the Executive Director shall be as set forth in the Suffolk County Department of Civil Service Certification for position No. 12-1207, and authorizes the Executive Director to perform such duties; and

The Board hereby authorizes the Executive Director to perform the following functions on behalf of the Board, in furtherance of the Board's duties set forth in Section C30-3 of the Charter:

1. Conduct research, consult with other ethics agencies, trainers, ethics professionals, professional organizations, county departments, and governmental agencies to assist in the development of training materials and programs.

2. Contact persons requesting advisory opinions to request additional information, gather information from other county departments and other sources as necessary to fully brief the Board on the facts surrounding the matter for which an advisory opinion is requested, while maintaining the confidentiality of the person requesting such opinion. Consult with such legal counsel as authorized by the Board. Draft Advisory Opinions for the Board's consideration.

3. Contact heads of Departments and Boards and meet with them or their representatives to comply with statutory deadlines of Financial Disclosure Statements

4. When a written complaint is filed with the Board, gather documents and information relating to specific complaints of ethics violations, and prepare reports of such fact finding and recommendations of actions for the Board's review.

5. The Executive Director shall not conduct any further fact finding absent a finding of reasonable cause by the Board.

6. Draft Board Rules, Complaint Procedures, and Hearing Procedures to be presented to the Board for majority vote.

7. In consultation with the Board, draft recommended budget and annual reports to the Legislature and County Executive.

8. Oversees and administers access to the records of the Board.

9. Assists the Board in the conduct of meetings and hearings. Tasks are conducted with assistance from consultant staff if applicable (e.g. stenographic services).

The authority delegated by this Resolution shall not include the authority to issue written advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violation or make final recommendations of, or impose penalties.

Now, on a motion of Linda Spahr, seconded by Richard Halverson

Be It Resolved that the above duties and responsibilities of the newly created position of Executive Director be adopted, as amended, as Resolution No. 001-2013.

Upon a vote being taken, the motion was approved. (5-0-0)

RESOLUTION 002/2013
DATED JANUARY 16, 2013

SUFFOLK COUNTY BOARD OF ETHICS MISSION STATEMENT

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following Mission Statement as amended:

I. Abbreviated Version:

"The Mission of the Suffolk County Board of Ethics is to practice and promote ethical literacy and conduct in government through **T**raining, **T**ransparency, and **T**rust."

II. Full Version:

"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."

Now, on a motion of Heather Palmore, seconded by Linda Spahr

Be It Resolved that the above abbreviated and full version statements be adopted, as amended, as the Suffolk County Board of Ethics' Mission Statement.

Upon a vote being taken, the motion was approved (5-0-0)

RESOLUTION 003/2013
DATED JANUARY 30, 2013

WHEREAS, Pursuant to Local Law 56-2011, enacting Article 30 of the Suffolk County Charter, under §C30-3, the Suffolk County Board of Ethics hereby promulgates procedural rules to implement the provisions of Chapter 77 of the Suffolk County Administrative Code and will be made available to the public on the County website.

Suffolk County Board of Ethics, Ethics Violation Complaint Procedures

1. A Complainant does not have to request confidentiality, all complaints are confidential under Article §30-8 of the Suffolk County Board of Ethics.

2. The Suffolk County Board of Ethics, upon receiving a written complaint will:

    a. Make an initial determination that there is reasonable cause to believe that a public servant has violated a provision of Chapter 77 or other applicable provision of law,
    b. Determine if there is no reasonable cause to believe that a public servant has committed a violation, then the Board will dismiss the Complaint.

3. All Complaints must provide the following to the extent the information is available:

    a. The name of the individual(s) who is (are) the subject of the Complaint.
    b. The time, date, and location of the alleged violation.
    c. A detailed description of facts as to the alleged violation.
    d. The complainant's association and/or affiliation to the person (s) who is (are) the subject of the Complaint.
    e. The name and contact information (phone number, address, email, fax) of the individual Complainant or referring agency/department.
    f. Any supporting documents, including but not limited to: emails, contracts, photographs, invoices, statements of witnesses, and audio visual recordings will be reviewed for probative value and included in the Board's reasonable cause determination of conducting a further investigation, hearing, or dismissal.

4. All Complaints will be assigned a Complaint number and the Complainant will receive a confirmation that the Complaint was received.

5. The Suffolk County Board of Ethics and its staff will catalog all Complaints by the assigned Complaint number.

6. The Suffolk County Board of Ethics Board Members, Executive Director, and Staff may not provide assistance or advice to the Complainant in preparing the Complaint for submission to the Board of Ethics. Upon review of the Complaint, additional information may be requested from the Complainant by the Suffolk County Board of Ethics and its staff.

7. Upon review of the complaint and evidence, the Executive Director and staff shall gather further facts in order to present a finding of facts and recommendation of reasonable cause based upon credible evidence to the Board.

8. The Suffolk County Board of Ethics will notify the Complainant of its determination dismissing the complaint or to conduct a further investigation with 45 days of receipt.

9. The Board can refer an alleged violation to the head of the agency served by the public servant if related disciplinary charges are pending against the public servant.

10. The Board will respond to a public servant or supervisory official of such public servant request to the Board to review and make a determination regarding past or ongoing action of such public servant.

11. The Board, on its own motion, may review a past or ongoing action of a public servant, in the same manner as a complaint received by the Board from a member of the public.

12. Dismissal of a Complaint does not preclude the Complainant from renewing a Complaint with additional documentation for the Suffolk County Board of Ethics to review. Upon the Suffolk County Board of Ethics' determination that three unfounded complaints were filed in the same 6 month period from the same matter, the Board has the right to refuse any additional identical complaints from said Complainant during the remainder of that 6 month time period.

13. The Suffolk County Board of Ethics may amend the Complaint Procedure. Amendments are not retroactive and are effective on the date they are adopted by the Board.

14. The Suffolk County Board of Ethics does not accept emailed complaints.

15. Complaints can be made by fax at : (631) 852-4041

16. Complaints can be hand delivered or mailed to the Suffolk County Board of Ethics at:

    Suffolk County Board Of Ethics
    335 Yaphank Avenue
    Yaphank, New York 11980

Now, on a motion of Richard Halverson seconded by Linda Spahr

Be It Resolved that the above complaint procedure be adopted, as amended, by the Suffolk County Board of Ethics.

Upon a vote being taken, the motion was approved. (5-0-0)

RESOLUTION 004/2013

DATED: JANUARY 30, 2013

SUFFOLK COUNTY BOARD OF ETHICS ADVISORY OPINION PROCEDURES

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following advisory opinion procedure:

Suffolk County Board of Ethics Advisory Opinion Procedures

1. County Officers, county employees and any other parties subject to or affected by the Code of Ethics may submit requests for advisory opinions from the Board of Ethics with respect to proposed future conduct or action by a public servant. All such requests for Advisory Opinions shall be kept confidential.

2. All Advisory Opinion requests will:

    a. Be in writing;
    b. Be signed by the requestor;
    c. Identify all relevant facts and circumstances;
    d. Be directed to the Executive Director or Chair of the Board.

3. Upon receipt of a written request for an advisory opinion, the Executive Director shall acknowledge the request in writing.

4. The Executive Director may conduct fact-finding and background research which may include, but is not limited to, legal research, departmental policies, and conferring with Board Counsel. The Executive Director shall prepare a summary of fact finding to be presented to the Board.

5. The Board of Ethics shall consider requests for Advisory Opinions at a regular or special meeting. The Board shall determine whether requests are within the jurisdiction of the Board. The Board may defer or extend its deliberations pending the receipt of additional information.

6. For requests that the Board determines are within its jurisdiction and for which the Board has sufficient information, the Board, shall determine whether or not it will issue an opinion. In determining whether to issue an opinion, the Board may consider the following general factors:

    a. Would an opinion assist the requester and guide proposed future conduct;
    b. Is the issue one of general application to others who are subject to the Code of Ethics;

c. Has the Board previously issued an opinion on the issue or substantially the same issue, and if so, should the previous opinion be reconsidered due to new facts or circumstances;
d. If the matter is currently under an administrative, civil, or criminal investigation; and
e. The existence of a conflict of interest by the Board that requires recusal.

7. If the Board of Ethics determines the subject of a request for an advisory opinion is not within the jurisdiction of the Board, or if the Board determines it will not issue an opinion based on the facts before it, the Executive Director shall prepare a letter from or on behalf of the Chair of the Board to the requester explaining the determination of the Board.

8. If during the fact-finding process, the Board of Ethics determines additional information about the request is needed, the Executive Director shall prepare and deliver a letter on behalf of the Board to the requester explaining the need for additional information.

9. Within 45 days after completion of fact-finding, the Board will issue a requested Advisory Opinion. If the Board is unable to issue the Advisory Opinion within 45 days, it shall so advise the person who requested the opinion before the 45 days has expired. All Advisory Opinions shall be issued within 90 days after fact finding is completed.

10. Every final advisory opinion shall be preceded by the following note:

    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.

11. The Chair shall sign the final advisory opinion of the Board and promptly forward the signed opinion to the requestor.

12. The requestor shall have 15 business days from the time the 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.

13. Advisory Opinions shall be designated as follows: Advisory Opinion [year-number].

14. A public servant whose conduct or action is the subject of an Advisory Opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion.

15. Publication: The final Advisory Opinion will be reviewed and redacted of all identifying information and will be published on the Suffolk County Board of Ethics website.

16. Release of a copy of the un-redacted version of the Advisory Opinion from anyone other than the requester is prohibited. The Board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics. Such a request for records must be approved by a two-thirds (2/3) vote of the Legislature via a procedural motion.

17. Requests for advisory opinions shall be confidential, but the Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party.

Now, on a motion of Thomas Isles, seconded by Linda Spahr

Be It Resolved that the above advisory opinion procedure, as amended, be adopted by the Suffolk County Board of Ethics.

Upon a vote being taken, the motion was approved. (5-0-0)

.....(RESO 005/2013 WITHDRAWN).....

RESOLUTION 006/2013

DATED FEBRUARY 27, 2013

Acceptance of "Elected Official's Sworn Statements" for the October 2012 Filing

WHEREAS, pursuant to Article XXX of the Suffolk County Charter § C30-5. "Transition Provisions." the Suffolk County Board of Ethics wishes to extend the deadline for "Elected Official's Sworn Statements" October 2012 Filing.

WHEREAS, the Suffolk County Board of Ethics wishes to acknowledge that the deadline for the October 2012 Filing of "Elected Official's Sworn Statements" was October 31, 2012.

WHEREAS, natural disaster, Hurricane Sandy, directly affected the Long Island, New York region during this filing period.

WHEREAS, due to office failure and delay caused by natural disaster, Hurricane Sandy, the Suffolk County Board of Ethics wishes to resolve that they will extend the deadline for filing "Elected Official's Sworn Statements" for the October 2012 Filing until March 13, 2013.

Now, on a motion of Robin Long, seconded by Richard Halverson

Be It Resolved that the "Elected Official's Sworn Statements" October 2012 Filing deadline is March 13, 2013.

Upon a vote being taken, the motion was approved. (4-0-0)

RESOLUTION 007/2013

DATED FEBRUARY 27, 2013

2012 Annual Report Deadline Extension

WHEREAS, the Suffolk County Board of Ethics wishes to acknowledge that the deadline for submitting an Annual Report is March 1st of each year pursuant to Article 30 of the Suffolk County Administrative Code § A30-9. "Annual Report."

WHEREAS, pursuant to Article XXX of the Suffolk County Charter § C30-5. "Transition Provisions." the Suffolk County Board of Ethics wishes to extend the deadline for filing the 2012 Annual Report.

WHEREAS, the Suffolk County Board of Ethics hereby proposes that the deadline for submitting the 2012 Annual Report be extended to March 27, 2013.

Now, on a motion of Robin Long, seconded by Thomas Isles

Be It Resolved that the deadline for filing the 2012 Annual Report of the Suffolk County Board of Ethics is March 27, 2013.

Upon a vote being taken, the motion was approved. (4-0-0)

RESOLUTION 008/2013

DATED APRIL 10, 2013

Rules, Regulations and Procedures of the Suffolk County Board of Ethics

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following Rules, Regulations and Procedures of the Suffolk County Board of Ethics.

Rule No. 1. Statement of Applicability

Pursuant to Suffolk County Charter Article XXX the Suffolk County Board of Ethics has adopted these rules and regulations to govern the procedures of the Suffolk County Board of Ethics. If a Rule of the Board should conflict with a provision or provisions of Suffolk County local laws, New York State laws, or federal laws, such Rule shall yield to such law.

Rule No. 2. Quorum

Quorum Pursuant to Suffolk County Charter Article XXX, three (3) members of the Board shall constitute a quorum for the purpose of conducting business.

Absence of a Quorum In the absence of a quorum a Board meeting will be canceled or rescheduled.

Rule No. 3. Election of Chair and Vice Chair

The Suffolk County Board of Ethics shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each even numbered year for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the Suffolk County Board of Ethics in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election.

Rule No. 4. Meetings & Hearings

Schedule of Meetings The Board shall schedule a minimum of twelve (12) regular meetings annually.

Regular Meetings Absent motion of the Board, regular meetings shall be held on Wednesday at 6:00 p.m. at the Office of the Board of Ethics or another appropriate venue. The date or place of the meeting may be changed by a vote of the Board.

Hearings and Interrogatories Hearings and Interrogatories regarding Financial Disclosure Statements, Notice of Violations, or Advisory Opinions that require the requestor's in person appearance, shall be held during the public servant, employee, or elected official's regularly scheduled Suffolk County Government working hours to permit for proper representation of union members and to be in accordance with such persons hours of employment pursuant to Suffolk County employment contract.

Special Meetings Special Meetings may be called as necessary by the Chair or on the written request of three (3) Board members. Such call or request shall state the purpose of the meeting and the members shall be advised of the purpose. Date, time and place shall be set by the Chair after it is determined that a quorum will be present.

Attendance at Board Meetings Absent exigent circumstances the Board requires attendance of members at all regularly scheduled meetings.

Attendance shall be taken at every Board Meeting. Upon inquiry, attendance records shall be provided to any appointing authority as to a Board Member's conduct under Suffolk County Charter §C30-2(G). Suffolk County Charter §C30-2(G) states:

> "Members may be removed by their appointing authority for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the requirements of Subsection B of this section, after written notice and opportunity to reply. The removal of members appointed by the Presiding Officer, Majority Leader and Minority Leader must be ratified by the adoption of a procedural motion by the County Legislature".

Rule No. 5. Order of Business

At all scheduled meetings of the Suffolk County Board of Ethics the following business shall be conducted unless otherwise determined by the Chair of the Board or by an affirmative vote of at least a majority of the Members present:

1) Review and adopt or amend and adopt minutes of last Board of Ethics Meeting;
2) Statements and presentations by members of the public;
3) Consideration of motions;
4) Consideration of matters held over from prior Board of Ethics Meeting(s);
5) Executive Session;
6) Consideration of new matters;
7) Reports from members of the Board of Ethics, and/or the Executive Director of the Board of Ethics, and/or Counsel to the Board of Ethics, if any;
8) Determination of date for next meeting; and
9) Adjournment.

Rule No. 6. Powers and Duties of the Chair of the Board of Ethics

The Chair of the Board of Ethics shall possess the following powers and perform the following duties:

1) Preside over all meetings of the Board of Ethics, and except in the absence of a quorum, proceed to business in a manner prescribed by these rules;

2) Decide all questions of order, subject to appeal of the members of the Board;
3) To substitute the Vice Chair to perform the duties of the Chair of the Board in the absence of the Chair; and
4) To recess meetings.

Rule No. 7. Rights and Duties of Members of the Board of Ethics

The Members of the Board of Ethics shall have the power to, among other things:

1) submit a matter for consideration before the Board;
2) make a motion on any matter before the Board; and
3) make a motion on any matter involving the conduct of the Board's business.

Rule No. 8. Rules of Order

A. The Chair of the Board of Ethics shall decide all questions of order. The Chair's determination shall be final unless an appeal is taken to the full Board and sustained by an affirmative vote of at least a majority of the Members present. Members of the Board shall have the right to appeal rulings of the Chair and assign their reasons for the challenge. The Chair on every appeal shall have the right to assign his or her reason for the ruling.

B. If a matter is under consideration, no motion shall be received except as herein specified:

1) to recess the Board of Ethics meeting;
2) to adjourn the Board of Ethics meeting;
3) to appeal a ruling of the Chair;
4) to waive a Rule of the Board of Ethics;
5) to amend a pending resolution or motion;
6) to table a pending resolution or motion;
7) to table to a date certain;
8) to cut off debate;
9) to approve; or
10) to reconsider a previous action of the Board.

C. A motion for reconsideration must be approved by an affirmative vote of at least a majority of the entire membership of the Board of Ethics. Such motion shall not be in order unless:

1) it is made at the scheduled Board of Ethics meeting (regular or special) at which the action proposed to be reconsidered was voted upon; or

2) it is made at any subsequent scheduled Board of Ethics meeting provided that it does not involve the reconsideration of a vote that has caused something to be done that it is impossible to undo.

D. Except as otherwise provided herein, the rules of the Board of Ethics shall be governed by Robert's Rules of Order.

Rule No. 9. <u>Executive Session</u>

A. As provided in New York Public Officer's Law Section 105, upon a majority vote of the Members present, the Board of Ethics may enter into executive session.

B. Such vote shall be made on a motion to enter into executive session and identifying the general area or areas of the subject or subjects to be considered in such executive session.

C. As provided in New York Public Officer's Law Section 105, such subject matter for executive session may include:

1) matters which will imperil the public safety if disclosed;
2) any matter which may disclose the identity of a law enforcement agent or informer;
3) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4) discussions regarding proposed, pending or current litigation;
5) collective negotiations pursuant to article fourteen of the civil service law;
6) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7) the preparation, grading or administration of examinations; and
8) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

D. Attendance at an executive session shall be permitted to any member of the Board of Ethics and any other persons authorized by the Board, including, but not limited to, Counsel to the Board.

Rule No. 10. <u>Action on Matters Before the Board of Ethics</u>

A. The Executive Director shall cause all new matters addressed to the attention of the Board of Ethics on the agenda for consideration by the Board at its next scheduled meeting.

B. Any member of the Board of Ethics may set forth a resolution, verbally or in writing, to a matter before the Board of Ethics. Such resolution may, by a majority vote of the entire membership of the Board, be:

1) approved;
2) defeated;
3) amended;
4) approved as amended;
5) defeated as amended; or
6) tabled

Now, on a motion of Thomas Isles, seconded by Richard Halverson

Be It Resolved that the above Rules, Regulations and Procedures of the Suffolk County Board of Ethics are hereby adopted.

Upon a vote being taken, the motion was approved. (5-0-0)

.....(RESO 009/2013 WITHDRAWN).....

RESOLUTION 010/2013

DATED JUNE 11, 2013

SUFFOLK COUNTY BOARD OF ETHICS
FINANCIAL DISCLOSURE STATEMENT FINE SCHEDULE

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following Financial Disclosure Statement Fine Schedule:

30 days late	For May 15th filers, on or before June 21, 2013	$250
60 days late	For May 15th filers, on or before July 22, 2013	$500
90 days late	For May 15th filers, on or before August 20, 2013	$750
120 days late	For May 15th filers, on or before September 19, 2013	$1,000

Now, on a motion of Robin Long, seconded by Linda Spahr,

Be It Resolved that the above Financial Disclosure Statement Fine Schedule is hereby adopted.

Upon a vote being taken, the motion was approved. (5-0-0)

RESOLUTION 011/2013

DATED JUNE 11, 2013

SUFFOLK COUNTY BOARD OF ETHICS FREEDOM OF INFORMATION PROCEDURES

WHEREAS, the Suffolk County Board of Ethics wishes to adopt the following Procedure for Submitting Freedom of Information (FOIL) Request (s) (Access for Public Records):

GENERAL INFORMATION

Certain records of the Suffolk County Board of Ethics (hereinafter "Board of Ethics" or "Board") are available for public inspection as provided for in the Suffolk County Code, Chapter 77 and the Public Officers Law, Section 87. Individuals wishing to review records maintained by the Suffolk County Board of Ethics, including Financial Disclosure Statements, may do so by following the procedures listed below.

APPLICATION PROCEDURE

1. An Application for Public Access to Records is available on the Board of Ethics page of the Suffolk County website. (Go to www.suffolkcountyny.gov, select "Government" and then select "Board of Ethics" from the list of "Agencies and Boards.") An application may also be requested by contacting the Board of Ethics by email, phone or regular mail using the contact information listed below.

2. Applications should be filled out in their entirety and mailed, emailed, faxed or hand delivered to the Board's Freedom of Information Officer (hereinafter "FOI Officer") using the contact information listed below. The FOI Officer will send acknowledgment of receipt, within five business days of the receipt of the application, and an approximate date when the determination will be made on the request.

3. The FOI Officer will review the application to determine whether the record (s) requested will be made available. Chapter 77 the Suffolk County Code prohibits the Board of Ethics from releasing certain information, particularly pertaining to Financial Disclosure Statements. The FOI Officer will notify the requesting individual, within twenty business days from the date of acknowledgement of receipt, whether request was granted or denied. Notification will be sent by means of a copy of the application with applicable box checked in Section 2. If granted, the FOI Officer will also notify the applicant of the date the records will be made available. If denied, the FOI Officer will provide a reason for the denial.

4. **Please note:** As exempted under the New York State Freedom of Information Law (FOIL), the following personal information will be redacted from any record

prior to release: Home address, home telephone number, un-emancipated child(ren)'s name(s), and spouse's name.

5. **Please note:** As exempted under the Suffolk County Code §77-14(D), all Categories of Value will be redacted from any Financial Disclosure Statement prior to release.

HARD COPY REQUESTS

1. Upon receiving a notice of approval, the requesting individual may call or email the Office of the Board of Ethics to make an appointment to pick up the requested record (s). Appointments are required and will be scheduled for the hours between 10:00 A.M. and 3:00 P.M., Monday - Friday excluding Holidays.

   a. Copies of the material can be prepared by the Board of Ethics Staff at the cost of 25 cents per page. Additional charges apply to requests that require an outside professional service or an excess of two hours of agency employee time to prepare copies in compliance with the request in accordance with the Public Officer's Law §87.

   b. Arrangements should be made in advance to pick up the copies of the record (s). The requesting individual must pick up the copies in person and must be prepared to present valid government issued identification at that time.

   c. The Board of Ethics is required to redact certain information from Financial Disclosure Statements prior to public release, including information for which the Board has approved a privacy request made by the individual submitting the Statement. As a result, there may be some delay between the approval of the application and the date on which the material will be available.

   d. Prior to being given access to the record (s) valid government issued identification must be presented. A Board representative will make a photocopy of the identification to be maintained in the office's records.

   e. On the day the record is made available, the Board is required to notify the individual whose Statement has been made available for public inspection that said request has been approved and must include in that notification the identity of the individual to whom the Statement was produced.

f. The Suffolk County Board of Ethics staff does not hold authority to comment on the disclosed information contained within the produced records under any FOIL request.

REQUESTS FOR IN-PERSON REVIEW OF RECORDS

1. Upon receiving a notice of approval, the requesting individual may call or email the Board of Ethics office to make an appointment to review the record (s) in person at the office of the Board of Ethics. Appointments are required and will be scheduled for the hours between 10:00 A.M. and 3:00 P.M., Monday - Friday excluding Holidays.

   a. Prior to being given access to the record (s) valid government issued identification must be presented. A Board representative will make a photocopy of the identification to be maintained in the office's records and retain the original identification until each record is returned in its' entirety.

   b. The material made available may not be taken from the Office of the Board of Ethics under any circumstances.

   c. While in the office, the requesting individual may make copies of all or any portion of the material using his/her own electronic copying device. Upon request, the Board of Ethics staff can make copies of the material at the cost of 25 cents per page. Depending on how much material is to be copied, it may take some time to complete the copying. Requesting individuals may have to return to the office at a later time to pick up the copies.

   d. All of the material that is provided for review must be returned to the Board's staff prior to leaving the office. Should the requesting individual be unable to complete his/her review in a single visit to the office, an appointment may be made to conduct further review.

   e. The Suffolk County Board of Ethics staff does not hold authority to comment on the disclosed information contained within the produced records under any FOIL request.

APPEALS

1. **You have a right to appeal a denial of Application in writing to the Office of the County Attorney within 30 days of the denial. Information as to the person to contact is shown below. The contacted person must respond to you in writing within ten business days of receipt of your appeal.**

ADDRESS FOR APPEALS ONLY: Suffolk County Attorney
Attn: FOIL Appeals Officer
H. Lee Dennison Building, 6th Floor
P.O. Box 6100
Hauppauge, New York 11788

QUESTIONS

Questions concerning these procedures should be directed to the Office of the Board of Ethics, utilizing the following contact information:

Suffolk County Board of Ethics
335 Yaphank Avenue
Yaphank, New York 11980
Office: (631) 852-4038, Fax: (631) 852-4041
Email: ethicsboard@suffolkcountyny.gov

Now, on a motion of Robin Long, seconded by Linda Spahr,

Be It Resolved that the above Procedure for Submitting Freedom of Information (FOIL) Request (s) (Access for Public Records) is hereby adopted.

Upon a vote being taken, the motion was approved. (5-0-0)

RESOLUTION 012/2013
DATED AUGUST 14, 2013

WHEREAS, §77-11 (C) of the Suffolk County Code authorizes the Board to establish procedures where by a person may request an additional period of time in filing his or her annual financial disclosure statement not later than September 1 in any year;

WHEREAS, in accordance with this provision of the Code, the Suffolk County Board of Ethics hereby adopts a procedure to consider requests for an additional period of time to file the 2013 Financial Disclosure Statement for all filers subject to financial disclosure reporting under the Suffolk County Code §77-10 (B) and (C).

Now, on a motion of Linda Spahr, seconded by Robin Long,

Be It Resolved that the Extension Application for Financial Disclosure Statement Form EBEA2-2013, is hereby adopted as the procedures to consider the above referenced requests for additional time.

Upon a vote being taken, the motion was approved. (4-0-0)