

# Suffolk County New York Suffolk County Board of Ethics

Annual Report

2012



Robin L. Long, Esq.  
*Chair*

Thomas A. Isles, AICP - *Vice Chair*  
Richard F. Halverson, Ph.D.  
Heather M. Palmore, Esq.  
Linda A. Spahr, Esq.  
*Members*

Samantha Segal, Esq.  
*Executive Director*

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Dated March 22, 2013  
Submitted to: Suffolk County Executive  
Submitted to: Suffolk County Legislature

## **Mission Statement**

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

**Statement from the Chair of the Suffolk County Board of Ethics**

**Robin L. Long, Esq.**

The Suffolk County Board of Ethics would like to extend acknowledgments to the various departments and public servants whose combined efforts allowed for the formation of the Board. We would like to recognize the ongoing efforts of the County Legislature, the Offices of the County Executive, County District Attorney, and the County Law Department in establishing new standards of ethical governance. Additionally, we like to thank the Departments of Public Works, Information Technology, and Civil Service for their invaluable assistance in the day to day functioning of our office. It is the dedication of such government employees and officials that makes the Suffolk County Board of Ethics pleased and driven to serve County.

We welcome all interested persons to provide us with suggestions, to visit our website, and attend the public portion of our regularly scheduled Board meetings.

Respectfully Submitted,

Robin L. Long, Esq.  
Chairman Suffolk County Board of Ethics

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## Exhibits

- Exhibit 1: 2012 Budget
- Exhibit 2: 2013 Budget
- Exhibit 3: IR 1062 -12: Appointing Member Thomas A. Isles
- Exhibit 4: IR 1177 -12: Appointing Member Heather M. Palmore, Esq.
- Exhibit 5: IR 1257 -12 & 1447-12: Appointing Member Richard F. Halverson
- Exhibit 6: IR 1581 - 12: Amending County Classification and Salary of Executive Director
- Exhibit 7: IR 1693 - 12: Appointing Member Linda A. Spahr, Esq.
- Exhibit 8: IR 1637 - 12: Appointing Member Robin L. Long, Esq.
- Exhibit 9: IR 1586 - 12: Adopting LL 49-2012, a Charter Law to ensure the independence and integrity of the County Ethics Process
- Exhibit 10: IR 1837 - 12: Adopting LL 45-2012, a Charter Law to add efficiencies to the newly created Board of Ethics
- Exhibit 11: Resolution 001/2013 - Executive Director Functions
- Exhibit 12: Resolution 002/2013 - Mission Statement
- Exhibit 13: Resolution 003/2013 - Complaint Procedure
- Exhibit 14: Resolution 004/2013 - Advisory Opinion Procedure
- Exhibit 15: 2013 Complaint Form
- Exhibit 16: 2013 Advisory Opinion Request Form
- Exhibit 17: 2013 Recusal Form
- Exhibit 18: 2013 FOIL Subject Matter Index
- Exhibit 19: 2013 Ethics and Accountability Booklet
- Exhibit 20: Resolution 007/2013 – Annual report transitional provision time extension

## 1. Introduction

In order to apprise the County of the current state of the Suffolk County Board of Ethics, this report covers the time period of 3/28/2012 through 2/15/2013.

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

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

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

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

This Report reviews the Suffolk County Board of Ethics accomplishments during 2012 under the following headings: 1) Introduction 2) Members of the Ethics Board 3) Budgets 4) Training and Education 5) Legislation 6) Financial Disclosure Statements 7) Advisory Opinion Requests 8) Complaints 9) FOIL 10) Administration 11) Information Technology 12) 2013 Updates.

## 2. Members of the Suffolk County Board of Ethics

Appointed by varying authority, the Board members serve two, three, and four year terms. Under the Suffolk County Charter, the Board must consist of five members. Two of the members are appointed by the County Executive, one by the Presiding Officer of the Legislature, one by the Minority Leader of the Legislature, and one by the Majority Leader of the Legislature. All appointments are subject to approval by the Legislature. In 2012, the Suffolk County Board of Ethics convened 20 times from April through December.

### Members

- a. Thomas A. Isles, AICP - Term 3/27/2012-3/26/2016
  - Appointed by Presiding Officer
  - Former Director Suffolk County Planning Department
  - Former Deputy Director of Planning Cayman Islands
  - Former Commissioner of Planning and Development Town of Islip
- b. Heather M. Palmore, Esq. - Term 3/27/2012-3/26/2015
  - Appointed by Majority Leader
  - Partner: Conway, Farrell, Curtin & Kelly PC.
- c. Richard F. Halverson, Ph.D. - Term 4/6/2012 – 4/5/2014
  - Appointed by County Executive
  - Former Deputy Comptroller City of New York
  - Former Executive Vice President St. Francis College
  - Former Deputy Chancellor City of New York Board of Education
  - Member of Budget and Finance Committee of Town of Southampton
- d. Robin L. Long, Esq.- Term 6/26/2012-6/25/2014
  - Appointed by County Executive
  - Founding Partner of the Law Office of Robin L. Long
- e. Linda A. Spahr, Esq. - Term 6/26/2012-6/25/2015
  - Appointed by Minority Leader
  - Former Chief Environmental Crime Unit Suffolk County District Attorney's Office
  - Former Deputy Bureau Chief Suffolk County Law Department

### **3. BUDGET**

The 2012 and 2013 budgets are attached hereto as Exhibits “1” and “2”.

The 2012 budget was under expended due to the staff hiring process beginning in 2012 and no outside counsel being retained. The 2013 budget includes additional training funds to comply with the training mandates of the Suffolk County Legislature. The Board is assessing the needs of additional resources and staff including investigators, staff counsel, and administrative support.

#### **4. Training and Education**

The Suffolk County Board of Ethics members underwent a private training by the New York City Conflicts of Interest Board senior trainer. The Board also obtained membership to COGEL. The Council on Governmental Ethics Laws (COGEL) is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobbying laws and freedom of information. The Board and/or the Executive Director will be in attendance at the 2013 COGEL conference for training.

As to public servant training, § A30-2, Training and Education, requires the following training components to be provided by the Board:

- A. The Board of Ethics shall have the responsibility of informing public servants and assisting their understanding of the conflicts of interest requirements set forth in Chapter **77**, Part 1, Article I, of the Suffolk County Code. In fulfilling this responsibility, the Board shall develop a plain-language guide to conflict of interest rules and conduct at least two ethics training seminars in each even-numbered year and one training seminar in each odd-numbered year. The Board is authorized to update the ethics training program and ethics booklet as appropriate and necessary.
- B. All elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office.
- C. All County employees appointed by elected officials, including department heads and division heads, shall receive mandatory ethics training at the first available training seminar conducted after the effective date of their appointment.
- D. All County employees hired or qualified to serve by the County of Suffolk after the effective date of this article shall receive the ethics booklet prepared by the Board at their orientation session and shall sign a statement that they have received the booklet and understand that they must abide by the



conflict of interest rules contained therein during their employment with the County. Such statement shall be maintained in the employee's personnel file.

- E. Public servants who are not County employees shall receive the ethics booklet from their appointing authority within 30 days after they are qualified to serve the County and shall sign a statement that they have received the booklet and understand that they must abide by the conflict of interest rules contained therein during the time of their service with the County. Such statement shall be maintained by the public servant's appointing or supervising authority.
- F. The failure of a public servant to receive the training, to receive the ethics guide, or to sign the statement required by this section shall have no effect on the duty of the public servant to comply with the requirements of Chapter 77, Part 1, of the Suffolk County Code.
- G. The Board may utilize interactive on-line, web-based technologies to satisfy the ethics training requirements set forth herein and to publish and distribute the ethics booklet and training materials. [**Added 8-21-2012 by L.L. No. 45-2012**].

The Board has developed, printed, and is in the process of distributing the training booklet set forth above in D, E, and F. This Booklet updates the "Code of Ethics" booklet dated 12/11/1973 and in accordance with SOP A-06 dated 5/2000. Additionally, the Board is currently developing the required plain-language guide to the conflict of interest rules and conduct. The Board also is currently creating training materials, and interactive web based technologies in compliance with and set forth above in paragraph G. The Board is developing a training schedule that complies with the statute for 2013, an odd-numbered year, requiring one training seminar.

## 5. Legislation

Prior to the Board being fully constituted, and without staff, the Board began their review of the required Financial Disclosure Statements. During this time, the initial Board members met with Legislative and Executive Branch representatives to determine what steps were necessary to hire an Executive Director. This resulted in the passage of Res. No. 561-2012, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Board of Ethics: Executive Director of the Suffolk County Board of Ethics.

Once it was fully constituted, the Board requested Legislation to provide transition procedures. Local Law 45-2012, when enacted, provided among other things for the transfer of records from the former Ethics Commission to the Board of Ethics, and authorized the Board to extend deadlines, including the deadline for filing 2011 Financial Disclosure Statements, upon a supermajority vote of the Board. On August 24, 2012, the Board did extend the filing deadline for the 2011 Financial Disclosure Statements to October 15, 2012.

During its assessment of the 2011 statements, the Board and its staff noted formatting errors and other technical deficiencies that had led to confusion and/or unintentional errors by filers. Recommended changes to the forms have been proposed and will be considered by the Legislature in time for use in 2013, when the 2012 Financial Disclosure Statements are filed. (IR 1075-12, Adopting Local Law No. -2013, A Local Law to revise Suffolk County's Financial Disclosure Statement. LOT 2/5/2013)

In addition to the legislation sought by the Board, the Legislature also passed Local Law No. 49 -2012, A Charter Law to ensure the independence and integrity of the County Ethics Process. This law prohibits Board staff from assisting people in writing complaints, added penalties for unlawful disclosure of confidential information, and added a provision that makes it unlawful for a person to utilize the ethics complaint violation process to improperly influence a public servant's acts.

## Legislative Timeline

2011

1. *Introductory Resolution:1724*  
*Resolution: 828*  
*Title: Adopting Local Law No. 56 -2011, A Charter Law establishing a new Board of Ethics.*  
*Date Laid on the Table: 08/02/2011*  
*Sponsor: William Lindsay*  
*Co-Sponsor(s): Cooper, Kennedy, Jr., Nowick*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 10/11/2011*  
*Final Executive Action: Pocket Approved 11/14/2011*
  
2. *Introductory Resolution:1723*  
*Resolution:827*  
*Title:Adopting Local Law No. 55 -2011, A Charter Law to update and strengthen Ethics and Disclosure Rules.*  
*Date Laid on the Table: 08/02/2011*  
*Sponsor: William Lindsay*  
*Co-Sponsor(s): Cooper, Kennedy, Jr., Nowick*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 10/11/2011*  
*Final Executive Action: Pocket Approved 11/14/2011*

2012

1. *Introductory Resolution:1062*  
*Resolution: 157*  
*Title: Appointing member of Suffolk County Board of Ethics (Thomas A. Isles).*  
*Date Laid on the Table:*  
*02/07/2012*  
*Sponsor: Presiding Officer Lindsay*  
*Co-Sponsor(s):*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 03/13/2012*  
*Final Executive Action: Approved 03/27/2012*

2. *Introductory Resolution:1177*  
*Resolution: 164*  
*Title: Appoint member to the Suffolk County Board of Ethics (Heather M. Palmore, Esq.).*  
*Date Laid on the Table: 02/07/2012*  
*Sponsor: DuWayne Gregory*  
*Co-Sponsor(s):*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 03/13/2012*  
*Final Executive Action:*  
*Approved 03/27/2012*
  
3. *Introductory Resolution:1257*  
*Resolution:211*  
*Title: Appointing member of the Suffolk County Board of Ethics (Richard F. Halverson).*  
*Date Laid on the Table: 03/13/2012*  
*Sponsor: County Executive*  
*Co-Sponsor(s):*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 03/27/2012*  
*Final Executive Action: Approved 04/06/2012*
  
4. *Introductory Resolution:1581*  
*Resolution:561*  
*Title: Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Board Of Ethics: Executive Director of the Suffolk County Board of Ethics.*  
*Date Laid on the Table: 06/05/2012*  
*Sponsor: Presiding Officer Lindsay*  
*Co-Sponsor(s):*  
*Committee: GOVERNMENT OPERATIONS, PERSONNEL, HOUSING & CONSUMER PROTECTION*  
*Final Legislative Action: Adopted 06/19/2012*  
*Final Executive Action: Approved 06/28/2012*

5. *Introductory Resolution: 1693*  
*Resolution: 556*  
*Title: Appoint member to the Suffolk County Board of Ethics (Linda A. Spahr).*  
*Date Laid on the Table: 06/19/2012*  
*Sponsor: John Kennedy, Jr.*  
*Co-Sponsor(s): Nowick, Spencer*  
*Committee:*  
*Final Legislative Action: Adopted with C/N 06/19/2012*  
*Final Executive Action: Approved 06/26/2012*
  
6. *Introductory Resolution: 1637*  
*Resolution: 558*  
*Title: Appointing member of the Suffolk County Board of Ethics (Robin L. Long).*  
*Date Laid on the Table: 06/05/2012*  
*Sponsor: County Executive*  
*Co-Sponsor(s): Schneiderman*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 06/19/2012*  
*Final Executive Action: Approved 06/26/2012*
  
7. *Introductory Resolution: 1586*  
*Resolution: 725*  
*Title: Adopting Local Law No. 49 -2012, A Charter Law to ensure the independence and integrity of the County Ethics Process.*  
*Date Laid on the Table:*  
*06/05/2012*  
*Sponsor: Edward Romaine*  
*Co-Sponsor(s): Anker, Browning, Calarco, Gregory, Hahn*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 08/21/2012*  
*Final Executive Action: Approved 09/18/2012*

8. *Introductory Resolution:1837*  
*Resolution: 794*  
*Title: Adopting Local Law No. 45-2012, A Charter Law to add efficiencies for the newly created Board of Ethics.*  
*Date Laid on the Table: 08/07/2012*  
*Sponsor: County Executive*  
*Co-Sponsor(s): Romaine*  
*Committee: WAYS & MEANS*  
*Final Legislative Action: Adopted 08/21/2012*  
*Final Executive Action: Approved 08/24/2012*

## **6. FINANCIAL DISCLOSURE STATEMENTS**

Pursuant to § A30-4, financial disclosure, the Board shall make financial disclosure statement forms available to all persons required to file pursuant to the requirements of Chapter 77, Part 1, Article II, of the Suffolk County Code. The Board shall review and maintain these statements and otherwise administer and enforce the financial disclosure requirements in accordance with the provisions of Chapter 77, Part 1.

The Board had outstanding success with the 2012 financial disclosure reporting. Upon enactment of hearing procedures, all non-filers will receive a notice of upcoming hearing regarding their filing status.

### Financial Disclosure Statement Filings

<b>Filer Designation</b>	<b>Total Required to File</b>	<b>Total Filed</b>
County Employees	404	403*
Non-County Employees	85	73
Elected Officials	23	23
Town Political Leaders	31	29
<b>TOTAL</b>	<b>543</b>	<b>528</b>

\*1 Deceased

## 7. ADVISORY OPINION REQUESTS

<i>Month</i>	<i>Number</i>	<i>Action Taken</i>
January	0	n/a
February	0	n/a
March	0	n/a
April	0	n/a
May	1	Fact finding pursuant to §A30-3(C)
June	2	Fact finding pursuant to §A30-3(C)
July	0	n/a
August	0	n/a
September	0	n/a
October	1	Board finding of request being outside jurisdiction no Advisory Opinion rendered
November	0	n/a
December	1	Fact finding pursuant to §A30-3(C)
January 2013	3	Board deliberations on standing, fact finding pursuant to §A30-3(C).

## 8. COMPLAINTS

To date the Suffolk County Board of Ethics has received 1 complaint that the Board found to be not within the Board’s jurisdiction. The Complaint procedure and form is available to the public on the Suffolk County Board of Ethics website.

## 9. FREEDOM OF INFORMATION LAW

The Board received and fulfilled two FOIL requests as to Financial Disclosure Statements. The Board maintains a FOIL Subject Matter list that categorizes all materials, exemptions, and protocols. The Board also maintains the filed elected officials “Truth and Honesty in Government Lobbying Sworn Statements”.

## 10. ADMINISTRATION

### *Location*

The Suffolk County Board of Ethics conducted a location search for the office. The location search resulted in the office being located in the DPW building situated at 335 Yaphank Avenue in Yaphank, New York 11980. The office conforms to legislative restriction and is fully secured with separate entrance, locked doors, and an intercom system. The Board rejected two additional locations that did not meet the standards for maintaining independence and confidentiality. The Board secured surplus furniture for the office.

### *Administrative Hiring*

The Board interviewed twenty candidates for the position of Secretary. The hired Secretary to the Board was previously employed by the Office of the County Clerk and was hired off the preferred list of employees affected by lay-offs or bump and retreat actions that occurred in 2012. The Secretary was extended an offer on September 7, 2012 with a start date of September 24, 2012.

The Board re-drafted the job duty statement and re-graded the Executive Director position with approval of the County Executive and Presiding Officer. The Board advertised the position with 14 law schools, the New York Law Journal, Suffolk County Bar Association, COGEL, NYC Conflicts of Interest Board, and Suffolk County Civil Service. The Board interviewed ten candidates for the position of Executive Director. The Board completed their interviews for the Executive Director in December 2012. The Executive Director was extended an offer on December 20, 2012 with a start date of January 7, 2013.



## **11. INFORMATION TECHNOLOGY**

The Suffolk County Board of Ethics maintains an independent webpage on [www.suffolkcountyny.gov](http://www.suffolkcountyny.gov). The webpage contains the following:

1. Public notices of meetings;
2. Meeting agendas and minutes;
3. Complaint procedures;
4. Advisory opinion procedures;
5. Local laws;
6. Forms;
7. Contact information of the Board;
8. Press Releases;
9. Contracting opportunities with the Board.

The Suffolk County Board of Ethics webpage is maintained and updated on a weekly basis. In effort to maintain confidentiality at all points of contact, the Board does not accept complaints or requests for advisory opinions via email. All such correspondence to and from the Board are made by facsimile, US mail, or hand delivery. The Board is currently creating electronic training materials, and working with the Suffolk County Information Technology Department to develop web based applications for the Financial Disclosure Statements and training.

## 12. 2013 ACCOMPLISHMENTS

The following Board activities have occurred to date in 2013:

1. The Board personally introduced the Executive Director to the Presiding Officer, District Attorney, Chief Deputy County Executive, Comptroller, Minority Leader, Majority Leader, and the Chair of the Ways and Means Committee.
2. The Board passed the following four internal Resolutions:
  1. Resolution 001/2013: Executive Director functions;
  2. Resolution 002/2013: Suffolk County Board of Ethics Mission Statement;
  3. Resolution 003/2013: Suffolk County Board of Ethics Complaint Procedure;
  4. Resolution 004/2013: Suffolk County Board of Ethics Advisory Opinion Procedure.
3. The Board promulgated rules and procedures for requesting and rendering Advisory Opinions.
4. The Board adopted forms available on the website for filing a Complaint and requesting an Advisory Opinion.
5. The Board sent all Department Heads, County Elected Officials, and Boards, Financial Disclosure law updates and directives.
6. Pursuant to § A30-2 (D) the Board drafted and printed the required “Code of Ethics Booklet – Ethics and Accountability” to be distributed to the Legislature, Department Heads, all new Employees, and to be made available to all public servants on the Board’s website.
7. The Board conducted a quarterly planning session and two full Board meetings.
8. The Board fulfilled their Suffolk County legal compliance and provided the County Attorney’s office with the FOIL Subject Matter Index.
9. The Board began solicitations for compiling a panel of qualified outside counsel to the Board.