

SUFFOLK COUNTY BOARD OF ETHICS

2017 Annual Report



Eric A. Kopp – Chair
Linda A. Spahr, Esq. – Vice Chair
Richard F. Halverson, Ph.D. –Member
Dennis O'Doherty –Member
Anthony Parlatore, Esq. – Member

Samantha Segal, Esq.
Executive Director

3500 Sunrise Highway, Room 364
Great River, New York 11739
(631) 854-0022
www.SuffolkCountyNY.Gov

Adopted: April 4, 2018
Submitted to: Suffolk County Executive
Submitted to: Suffolk County Legislature

SUFFOLK COUNTY BOARD OF ETHICS MISSION STATEMENT

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

**MESSAGE FROM THE CHAIR OF THE SUFFOLK COUNTY BOARD OF ETHICS
ERIC A KOPP**

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

During the 2017 calendar year, the Board convened 23 times. In satisfaction of its powers and responsibilities set forth in Section C30-3 of the County Charter, the Board accomplished the following:

1. The Board concluded their investigation regarding a County employee who held an undisclosed interest in a daycare receiving subsidy funds from the County and imposed \$37,000 in penalties for violations,
2. The Board exceeded the ethics training program requirements by law in providing in person lectures inclusive of 260 public servants from County Departments and Legislative Offices,
3. The Board received 17 advisory opinion requests ,
4. The Board produced over 1000 pages in FOIL requests,
5. The Board received, reviewed, and audited Financial Disclosure Statements and other conflicts issues,
6. The Board performed a 5 year administrative review to continue to identify means of additional measures of efficiency and public availability.

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

Respectfully Submitted,

Eric A. Kopp
Chair of the Suffolk County Board of Ethics

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

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

In 2017, the Administration of the Suffolk County Board of Ethics accepted this charge with not only due diligence and responsibility, but also with a level of heightened responsiveness for the citizens of Suffolk County. As the Board develops new initiatives for public education, and government safeguards, the Administration is dedicated to being accessible to the public and public servants so that they can be heard by the Board with process. The Administration strives to serve the public, and the public servants of Suffolk County, in a manner that is systematic, accountable, and approachable.

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

Respectfully Submitted,

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

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ATTACHMENTS AND EXHIBITS

Exhibit A	2017 Budget
Exhibit B	Public Record Transmittal of Board \$37,000 Conflict of Interest Fine
Exhibit C	Article 78 Judicial Decisions: Elfein v. Suffolk County Board of Ethics and the Suffolk County Probation Department, Ebun Senbanjo v. Suffolk County Board of Ethics, Steven Bellone, acting in his capacity as County Executive v. Suffolk County Board of Ethics
Exhibit D	SOP A-06
Exhibit E	2014-2017 New York Bar Association Continuing Legal Education Accreditation
Exhibit F	2017 New York State Department of Education CPE/CPA Continuing Education Accreditation
Exhibit G	2017 Policies, Rules, Resolutions
Exhibit H	Training materials inclusive of ethics pamphlets, flyers, ethics reminders, training updates, and elected official training letters
Exhibit I	2017 Advisory Opinions
Exhibit J	2017 FOIL Subject Matter Index
Exhibit K	2017 Google Analytic Webpage Reports
Exhibit L	2017 Suffolk County Legislature Resolutions
Exhibit M	Ethics by Posters Series

I. EXECUTIVE SUMMARY

In 2017, the Suffolk County Board of Ethics convened 23 times from January 1, 2017 through December 31, 2017. During the course of the year, the Board's six public service initiatives were executed: 1) Directing the regulatory administrative law enforcement provisions for the Suffolk County Annual Financial Disclosure Statements, 2) Conducting Ethics Trainings, 3) Rendering Advisory Opinions, 4) Commencing Informal Investigations, 5) Commencing Formal Investigations and Adjudications, and 6) serving as the custodian and clerk of all Board of Ethics Records.

I. Annual County Financial Disclosure

The Board received and reviewed 310 Financial Disclosure Statements.

II. Ethics Trainings

The Board exceeded the 2017 statutory training requirement of 1 training seminar and provided 5 in person training seminars. In total, the Suffolk County Board of Ethics provided trainings to 260 persons bringing the training total to over 1100 public servants. The Board conducted their third "all employee" training. Attendance on that day was made by County Departments and Legislative Offices. The online training module was had 225 attendees in 2017 and is available 24 hours a day 7 days a week to all County employees online through the County's intranet page. In addition to the New York State Continuing Legal Education accreditation, the Board's trainings provide Continuing Education Credits from the New York State Department of Education for County Employee Public Accountants. All Elected Officials maintained their mandatory training requirement under County Code A30-2(B).

To date, County conflicts training attendees includes over 1,000 county employees who have attended in person trainings. This includes approximately 300 attorneys who received their professional education credits, 20 CPA's who received their professional education credits, Elected Officials, and the Planning Commission.

III. Board Requests

The Board received 17 written requests for Advisory Opinions regarding the Suffolk County Ethics Laws. The Board received 11 Supervisory Official requests for review and determination of outside employment, 10 recusals, and 3 miscellaneous requests.

IV. Complaints/ Investigations/Adjudications/Subpoenas

In 2017, the Suffolk County Board of Ethics received 2 complaints. Both were outside of the Board's current Jurisdiction. The Board also completed an investigation and determined a County employee engaged in prohibited conduct and business dealings under the Suffolk County Code sections §77-2(A), §77-2(B), and §77-3(B). The Board imposed fines totaling \$37, 000, recommended department discipline, termination of the business dealings with the County, and regulatory referrals to appropriate State and Local Agencies. (*see, SCBE Resolution #001-2017*). The Board held that this employee owns a daycare located in Suffolk County, submitted and received payments from Suffolk County Government totaling over a quarter million dollars in the corporate name. The Board found these business dealings to be prohibited conduct under the current Suffolk County Ethics Laws.

V. Custodian and Clerk of all Board of Ethics Records

The Suffolk County Board of Ethics maintains and performs the clerking functions for all Suffolk County Annual Financial Disclosure Statement records, all Board generated documents, all Suffolk County Elected Official Sworn Statements, FOIL requests, all Board confidential records, and all records designated to the

Board by statute. Retention and disposal of records are maintained pursuant to Suffolk County Code §77-15 and Article 57-A of the New York Arts and Cultural Affairs Law.

VI. Budget

The Suffolk County Board of Ethics 2017 budget for all salary, vendors, contracts, and expenses was \$319,223. The Budget was over expended due to investigations, litigations, and legislative requests. It is projected the 2018 budget will again be fully expended this year. The 2017 budget request for legal services was \$135,000 to which \$75,000 was approved. The Suffolk County Board of Ethics remains one of the County's smallest operating budgets annually. (Exhibit "A").

II. INTRODUCTION

This report covers the time period of January 1, 2017 through December 31, 2017.

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

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

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

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

This report reviews the Suffolk County Board of Ethics accomplishments during 2017 under the following headings:

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

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

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

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

Members

1. Chair: Linda A. Spahr, Esq. – 2nd Term 6/26/2012-6/26/2019
 - Appointed by Minority Leader
 - Former Chief Environmental Crime Unit Suffolk County District Attorney's Office
 - Former Deputy Bureau Chief Suffolk County Law Department
2. Vice-Chair: Richard F. Halverson, Ph.D. – 2nd Term 4/6/2014-4/5/2018
 - Re-Appointed by County Executive
 - Former Deputy Comptroller City of New York
 - Former Executive Vice President St. Francis College
 - Former Deputy Chancellor City of New York Board of Education
 - Member of Budget and Finance Committee of Town of Southampton
3. Dennis O' Doherty – Term 3/26/2016-3/26/2020
 - Re-Appointed by Presiding Officer
 - Former New York State Legislator
 - Served as Trustee of Dowling College
 - Decorated WWII Veteran
4. Anthony Parlatore, Esq. – Filling Term Ending 3/27/2019
 - Appointed by Majority Leader on 12/15/2015
 - Past member of Suffolk County Bar Association Ethics Committee, Grievance Committee, and Judicial Screening Committee
5. Eric A. Kopp – Filling Term Ending 6/26/2018
 - Appointed by County Executive on 3/25/2016
 - Served the administration of seven Long Island County Executives, including 12 years as Chief Deputy Suffolk County Executive

IV. BUDGET

A. Budget

The 2017 Approved Budget is attached hereto as Exhibit "A". The Suffolk County Board of Ethics 2017 budget for all salary, vendors, contracts, and expenses was \$319,223. The Board's budget was over expended due to litigation and formal investigations requiring Court appearances and depositions. (Exhibit "A")

It is projected the 2018 for salary, vendors, contracts, and expenses, will be fully expended this year. The Suffolk County Board of Ethics remains the County's smallest operating budget.

The Board is continually assessing the needs of additional resources and staff including investigators, staff counsel, and administrative support. The Board requested a part-time departmental investigator for 2017 which was approved and an investigator was hired. The intended duties for this position include tribunal hearing document preparation, conflicts checks, Board representation at tribunal hearings, pleadings, FOIL Officer, and staffing of an ethics hotline. The ongoing staffing needs are continually being reassessed and the Board will request positions again, if appropriate, for 2019. (Exhibit "A")

B. Debts

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

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

Suffolk County Charter, § C30-4, Staffing, requires the Board, by a majority vote of the Board's entire membership, shall appoint an executive director, a secretary, and independent counsel. As such, the Suffolk County Board of Ethics conducted a search in 2013 for independent General Counsel via an "RFQ" process. General Counsel's service contract includes representing the Board in all adversarial matters, policy making, and changes in the law which impact the Board's authority. Additionally, Counsel has provided the Board with legal opinions on policy matters including opinions in 2017.

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

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

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

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

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

2017 Litigation

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

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

records is compliance with court orders of record production. This litigation is still active in the Appellate Division.

In the Matter of Jennifer Elflein v. Suffolk County Board of Ethics and Suffolk County Probation Department

This Article 78 was brought by Order to Show Cause on October 21, 2016. This action was commenced in Supreme Court, Suffolk County at 1 Court Street, Riverhead, NY. The Court dismissed this action and the Petitioner filed an appeal which was also dismissed (Exhibit “C”).

Suffolk County Board of Ethics v. Eburn Senbanjo

This Suffolk County Supreme Court Special Proceeding was commenced on March 16, 2016, for Judicial Subpoenas before Hon. Joesph Pastoressa. These subpoenas were ordered and served on County Departments for records in their custody relating to a SCBE investigation regarding a County Employee. The Board also completed an investigation and determined a County employee engaged in prohibited conduct and business dealings under the Suffolk County Code sections §77-2(A), §77-2(B), and §77-3(B). The Board imposed fines totaling \$37, 000, recommended department discipline, termination of the business dealings with the County, and regulatory referrals to appropriate State and Local Agencies. (*see, SCBE Resolution #001-2017*). The Board held that this employee owns a daycare located in Suffolk County, submitted and received payments from Suffolk County Government totaling over a quarter million dollars in the corporate name. The Board found these business dealings to be prohibited conduct under the current Suffolk County Ethics Laws.

The employee filed an Article 78 in Suffolk Supreme Courts, and the Courts transferred the matter to the Appellate Division for adjudication which is still pending (Exhibit “C”).

Steven Bellone in Capacity as County Executive v. Suffolk County Board of Ethics

This Article 78 was regarding a FOIL. This action was commenced in Supreme Court, Suffolk County at 1 Court Street, Riverhead, NY and the action was dismissed. (Exhibit “C”).

VI. TRAINING AND EDUCATION

Ethics Training conducted by the Suffolk County Board of Ethics is governed by the Suffolk County Administrative Code Section A30-2. As such, the Board in 2017 proactively trained employees from County Departments and Legislative Offices.

Training Consultant

In August 2013, by way of “RFQ” procurement, the Suffolk County Board of Ethics retained Ingerman Smith, LLP as the Independent Training Consultant. In 2014, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2015. Two firms responded and the lowest bidder, Ingerman Smith, LLP, was awarded the contract not to exceed \$15,000.00. In 2015, the Board advertised a Solicitation of Quotes for an Independent Training Consultant for the year 2016. One firm responded, Ingerman Smith, LLP, and was awarded the contract not to exceed \$15,000.00. The term of the contract is January 1, 2016 through December 31, 2016, with one (1) one-year extension at the Department’s option from January 1, 2017 through December 31, 2017 and has since been extended until December 31, 2018.

Lectures

The Board exceeded the 2017 statutory training requirement of 1 training seminar. In total in 2017, the Suffolk County Board of Ethics provided 5 trainings totalling 260 in person attendees bringing the attendees total to over 1000 public servants. The Board conducted their third “all employee” training. Attendance on that day was made by County Departments and Legislative Offices.

Additionally, departmental trainings are specifically created with industry trends and legal issues relevant to the department’s operations. Such trainings are a collaborative effort between the Department Head, Executive Director, and Independent Training Consultant to provide the most effective training. In 2017 the following Departmental trainings occurred:

- 1) Annual County wide (all Departments invited)
- 2) District Attorney
- 3) Health
- 4) Labor
- 5) Comptroller

Continuing Education Credits

Additionally, in 2017 the Board issued 122 Continuing Legal Education certificates to County Employees who are licensed attorneys in New York State. Additionally, the Board was successful in maintaining their New York State Bar Association Continuing Legal Education ethics credits from 2014-2017 for its “Suffolk County Ethics Laws” lecture presentation and is currently certified through September 8, 2019. (Exhibit “D” – 2014-2019 New York State Bar Association Continuing Legal Education Accreditation attached).

In 2017 the Suffolk County Board of Ethics continued to be an approved educational provider also with the New York State Department of Education for Certified Public Accountants and Public Accountants. The Suffolk County Board of Ethics now provides this additional Continuing Education credit for employees in varying departments by Suffolk County (Exhibit “D”) New York State Department of Education Accreditation). In 2017 County CPA’s received this educational credit.

Online Training

The Board’s interactive web based training module which provides general employee Ethics training with a certifying quiz is available on the County internet. This program also offers an “Exit Interview” training that covers the prohibitions post Suffolk County employment. In 2017, 225 public servants used this online training module.

Ethics Booklet New Employee Distribution

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

The Board of Ethics has informed all Departments of their ability to direct order booklets as needed with new hires and an electronic copy is available on the Board’s website. Additionally, Suffolk County Civil Service

distributes the booklet at new employee orientations and has been direct ordering from the Suffolk County print shop.

Upcoming 2018 Training Schedule

The Board's training schedule for 2018, an even-numbered year, requires two training seminars. As such, the Board continues to offer Departmental specific trainings, an "Annual County Ethics Training", and subject specific trainings such as "gifting" and "post-employment". To date, four specialized department trainings are scheduled for 2018, the Annual Training is scheduled for the Fall, and five additional departments have requested in house trainings.

Ethics by Posters Series- Public Service Announcement Initiatives

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

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

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

Educate Yourself



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

ETHICS Penalties for Offenses

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

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


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


Prohibited Interests



ETHICS Prohibited Interest in Government Contracts

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

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


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Financial Disclosure Statements



ETHICS Financial Disclosure Statement Filing **DEADLINE: MAY 15th**

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


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Post-Employment Laws



ETHICS Post-Employment Restrictions

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

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


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**Happy Birthday, Congratulations,
and Thank You...**



ETHICS
Gifts

Have you ever wondered if giving or accepting a gift at work is allowed? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct. For more information on the ethics laws regarding gifts, please contact the Suffolk County Board of Ethics or visit our website.



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Advisory Opinions



ETHICS
Advisory Opinions

Worried about a potential conflict of interest? Do you know that the Suffolk County Board of Ethics is here to help? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct. For more information on the ethics laws regarding advisory opinions and conflicts of interest, please contact the Suffolk County Board of Ethics or visit our webpage.



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Advisory Opinions



ETHICS
Advisory Opinions

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Prohibited Interests



ETHICS
Prohibited Interest in Government Contracts

Did you know that your family member's contract could put you in conflict with the Suffolk County ethics laws? As a Suffolk County Government employee, you have been placed in a position of trust and are held to a high standard of ethical conduct. For more information on the ethics laws regarding advisory opinions and conflicts of interest, please contact the Suffolk County Board of Ethics or visit our webpage.



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Prohibited Interests



ETHICS

Prohibited Interest in Government Contracts

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Educate Yourself



ETHICS Penalties for Offenses

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

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

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



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ORDERING INSTRUCTIONS

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

Code of Ethics Booklet

ETHICS AND ACCOUNTABILITY

COUNTY OF SUFFOLK



Revised November 2015

Printed November 2015

Version 1.2

1

VII. ADOPTED 2017 LEGISLATION

1. Resolution 1127 : Adopting Local Law No. 1 -2017, A Local Law amending Chapter 77 of the Suffolk County Code to clarify application of the Suffolk County Ethics Code to former County employees (Exhibit “L”).
2. Resolution 10-2017 A Charter Law to improve and strengthen the operations of the Board of Ethics (Exhibit “L”).

VIII. BOARD POLICIES

In 2017, the Suffolk County Board of Ethics continued to implement Board policies and procedures inclusive of:

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

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

IX. CODE REVIEW

The SCBE continues to work with the Suffolk County Legislature to strengthen the Ethics Laws. As such, the SCBE upon request of the Suffolk County Legislature is making the code review recommendations:

1. The Board recommends review of the financial disclosure filer designations with Civil Service to include title designations inclusive of contract procurement job duties;
2. The amendment or removal of Suffolk County Administrative Code §A30-8 to decriminalize unauthorized release of confidential information;
3. The amendment of Suffolk County Code Chapter 77 to include that it be a conflicts violation to refuse participation in a Suffolk County Board of Ethics Financial Disclosure Statement Audit;
4. The County facilitating and creating a County Ethics fine collection procedure

X. FINANCIAL DISCLOSURE STATEMENTS

Financial Disclosure Statements

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

2017 Financial Disclosure Statement Filings

<i>Filer Designation</i>	<i>Total Required to File</i>	<i>Total Filed</i>
County Employees	188	187
Non County Employee Filers	87	75
Elected Officials	23	23
TOTAL	298*	285

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

XI. INVESTIGATIONS/FINES/REFERRALS

Investigations and Hearings

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

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

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

“Formal Investigations”: The Board can commence a formal investigation with powers to administer oaths and affirmations and serve subpoenas upon approved Board motion at any time based up information received through a complaint, advisory opinion request, review of a Financial Disclosure Statement, review of any public record, or upon receipt of any documentary evidence. All subpoenas must be issued by a supermajority vote of the entire membership of the Board. *Suffolk County Administrative Code at section A30-7.* Upon conclusion of a formal investigation, a reasonable cause vote shall take place. If reasonable cause is found to believe that a public servant or former public servant has violated a provision of Chapter 77, Part 1, Article 1 of the Suffolk County Code or other

applicable provision of law, the Board may conduct a Hearing pursuant to Board investigation “Hearing Procedures” passed on November 20, 2013 as set forth below in entirety”. (see *Suffolk County Board of Ethics “Investigation Procedures”*)

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

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

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

The Board continues to advise all Department Heads of disclosed outside employment in their departments for departmental review and approvals.

C. FINES

1. Fines

In 2017, the Suffolk County Board of Ethics imposed \$37,000 in fines.

XII. ADVISORY OPINION REQUESTS

The Suffolk County Board of Ethics received 17 requests for Advisory Opinions in 2017. Opinions are available to the public in redacted form through FOIL and the Board’s website. Upon determining a request has standing, a fact-finding is commenced from which the Board renders their final Advisory Opinion. Advisory Opinions are catalogued by subject matter and section of law pursuant to statute. (Exhibit “I”)

XIII. COMPLAINTS

The Board has limited jurisdiction to process complaints as to only violations of Chapter 77, Part 1, Article I, of the Suffolk County Code or other applicable provision of law governing conflicts of interest by a public servant

or former public servant. As such, all complaints alleging offenses that are outside of the Board’s jurisdiction are rejected.

In 2017, the Suffolk County Board of Ethics received 2 which were were outside of the Board’s current Jurisdiction.

The Ethics Violation Procedures are available on the Suffolk County Board of Ethics webpage, available from the Staff of the Board, and disseminated at ethics trainings.

XIV. FREEDOM OF INFORMATION LAW

In 2017, the Board received 16 Freedom of Information Law (“FOIL”) Requests and produced over 1,000 pages of FOIL records. The Board provided all requestors with the option of producing responsive records via email for convenience and the most time efficient method of productin. These FOIL requests included FOIL productions of financial disclosure statements of all Suffolk County elected officials and chairpersons of County political party committees, candidates for District Attorney, Sheriff, and County Legislature, Board members of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, and the Suffolk County Water Authority.

The Board maintains a FOIL Subject Matter Index that categorizes all materials, exemptions, and protocols. (Exhibit “H” 2017 FOIL Subject Matter Index). The Board additionally placed FOIL requests upon multiple government agencies for public record review.

XV. ELECTED OFFICIAL’S “TRUTH AND HONESTY IN GOVERNMENT LOBBYING” STATEMENTS

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

XVI. ADMINISTRATION

A. Location

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

B. Document Due-Diligence and Cataloging

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

Document Type	Management System
Adjudication Pleadings	Separate physical and electronic file folders are maintained for each individual, organized by batch number and name (i.e.: Batch 1 – Jane Doe).
Notice of Violation	Separate physical and electronic file folders are maintained within each individual’s physical and electronic file containing all Notices of Violation served by the Suffolk County Board of Ethics for the 2017 Financial Disclosure Statements where they are grouped by batch number, name, and index number (i.e. Index Number FDS 001/2017).
Orders	Separate physical and electronic file folders are maintained within each individual’s physical and electronic file containing all orders issued by the Suffolk County Board of Ethics for the 2017 Financial Disclosure Statements where they are grouped by meeting date, name, and index number (i.e. Index Number FDS 001/2017).
Advisory Opinions	Separate physical and electronic file folders are maintained for each individual, organized by Advisory Opinion Request number (assigned in order of date of request) and name (i.e.: AO-2017-1 John Doe). Advisory Opinions are available on the Board’s webpage in redacted (pursuant to §A30-3 (D)) form.
Agendas & Minutes	Separate physical and electronic file folders are maintained.
Articles & Publications	Separate physical and electronic file folders are maintained.
Complaints	Separate physical and electronic file folders are maintained for each complaint, organized by complaint number (assigned in order of date of request) and name (i.e.: C-001-2017 John Doe).
Financial Disclosure Statements (“FDS”)	FDS Statements are filed in alphabetical order within the applicable Department, Board, Commission, or Agency’s file. Each FDS Statement is assigned an FDS number (i.e.: FDS# 001/2017).
2017 Financial Disclosure Statement Workbook	Contains 38 spreadsheets, of those the following are included: Departmentally Organized Index, Alphabetically Organized Index, Status (FDS Number (i.e.: FDS# 001/2017), filer name, category of filer, filing date, privacy requested, letters sent to filers, Privacy Request outcomes, Audit, Review, Deadlines, and a separate spreadsheet for each Department, Agency, Board, Commission, or Council containing required filers and filing status.
Freedom of Information Law Requests (“FOIL”)	Separate physical and electronic file folders are

	maintained for each FOIL request, organized by FOIL number (assigned in order of date of request) and name (i.e.: FOIL-001-2017 Jane Doe).
2017 Mail Spreadsheet	Electronic file folders are maintained containing information of all mailings and facsimiles received by the office. Information Entered: Mailing Number, Date, Sender, Sender's Address, Contents, Mail Type, and Tracking Number (if available).
Notices of Public Meetings	Separate physical and electronic file folders are maintained of the Notice of Public Meeting, email to Legislature approved County newspapers, Fax to Sheriff's Office for Notice posting on County Public Bulletin Board, and screenshot of online notice posting on the Board's webpage.
Miscellaneous	Separate physical and electronic file folders are maintained for each miscellaneous document, letter, inquiry, etc., organized by "miscellaneous" item number (assigned in order of date of request) and name (ie: M-001-2017 John Doe).

C. Supplies and Services

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

D. Administrative Review

The Suffolk County Board of Ethics Board in 2017 conducted an administrative 5 year quality-assurance. As always, the administration strives to allocate government resources efficiently and effectively. As such, the administration seeks to provide accountability for tax dollars spent to support government operations. This administrative, fiscal, and regulatory review assists in identifying for the Board opportunities for improving operations and Board governance.

This review reflects that the Board from 2012-2017 has operated with the County's smallest budget and staff of 2 full time employees. Within that time, strategies to reduce costs and to strengthen controls intended to safeguard local government assets, have been placed in consideration and presented to the Board and County at Budget hearings.

These compliance results and recommendations are resources for the Board to use in effectively implementing their authority under the Suffolk County Code and in meeting the expectations of the County and Public. The recommendations from this review include 1) the continuation of the scope of legal representation between outside counsel for policy/litigation and Law Department for representation on County procurement and Civil Service matters 2) continuation of the adoption of County procedures for human resource matters, County budget procedures; competitive bidding and County procurement requirements 3) there continues to be no need for the Department to be issued their own bank account for operating and/or salary costs 4) continue to operate

under the jurisdiction authority as set forth by the County Code, continue to conduct conflicts checks internally with new hires and outside vendors 5) adopt a minimum quarterly update for full website maintenance 6) Replenish petty cash of \$300 for 2018 7) Implement a policy for County issued technology devices (laptops/phones/investigator equipment).

INFORMATION TECHNOLOGY

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

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

The Suffolk County Board of Ethics webpage is a method of outreach for the public and public servants maintained and updated on a basis. Google Analytics provides reports as to the usage of the Board’s webpage reporting over 2,500 in 2017. (Exhibit “K” – 2017 Google Analytic Webpage Reports).

At this juncture, the Suffolk County Information Technology Department is actively programming a data-entry program for the clerking of County Financial Disclosure Statements. Additionally, the Suffolk County Print Shop created a fillable PDF file for the Annual County Financial Disclosure form in 2017 which was available to all required filers in 2017 and available to County employees on the County intranet.

The Board’s interactive web based training module programmed by the Suffolk County Information Technology Department provides general employees an Ethics overview training with a certifying quiz. This program is available on the County intranet. This program also offers an “Exit Interview” training that covers the prohibitions post Suffolk County employment. In 2017, 225 public servants used this online training module.

XVIII. 2018 INITIATIVES

- 1) To exceed the statutory requirement of one training seminar inclusive of specialized departmental trainings;
- 2) To develop a training series with additional course selections;
- 3) To distribute the Code of Ethics Plain Language Guide;
- 4) To continue the “Ethics by Posters” Series;

- 5) To continue providing all requestors timely advisory opinions;
- 6) To continue conducting hearings and investigations pursuant to the Suffolk County Ethics Laws;
- 7) To conduct due diligence, first and second level, reviews of all County Financial Disclosure Statements;
- 8) To provide members of the public, and public servants, with ongoing guidance and education, preemptively and upon request, relating to the Suffolk County Ethics Laws;
- 9) To maintain A.D.A. compliance on all webpages;
- 10) To continue administering online training; and
- 11) To work with the Department of Information Technology to create an electronic filing system for County Financial Disclosure Statements.

A handwritten signature in black ink, appearing to read "Sandra Eyal". The signature is fluid and cursive, with the first name "Sandra" written in a larger, more prominent script than the last name "Eyal".

Executive Director
Submitted