

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

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In the Matter of the Inquiry of  
[REDACTED] in Capacity of a  
Supervisory Official of Suffolk County  
Department of Social Services

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STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2018-9  
June 6, 2018

**NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL**

*Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.*

**Summary:** The Requestor, a Department of Social Services Supervisor, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of their approval process in determining their employee's outside employment request. The employee was hired within the past 30 days and disclosed. Prior to hiring, the employee disclosed a pre-existing part-time public servant job with the Town of [REDACTED] as a Community Advocate. The Board finds that the part-time employment is not a conflict of interest for two reasons. First, the part-time Town employer has reassigned the subject matter of advocacy in the Town to exclude any inquiries about County benefits. Second, the requesting Supervisory Official confirmed that recusals in DSS are feasible for this employee if necessary as there are more than 100 County employees holding the same job title.

**Analyzed Laws and Rules:** The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B) and 77-3(C).<sup>1</sup>

**Procedural History:** Fact finding concluded on 5/31/2018 and the Board vote occurred within the 45 days under Suffolk County Code occurring on 6/6/2018. The Board determined by majority vote that there is no conflict under the facts presented.

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<sup>1</sup> § 77-3. PROHIBITED CONDUCT.

- B.** No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.
- C.** No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.

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**Opinion:** The Requestor, a Department of Social Services Supervisor, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of their approval process in determining their employee's outside employment request.

The employee, a Social Services Benefits Examiner, was hired on [REDACTED] 2018. Her job duties include benefits approvals. Prior to hiring, the employee disclosed she holds a pre-existing part-time for the past 12 years as a public servant job with the Town of [REDACTED] as a Community Advocate. In this part-time job, there are a variety of subject matters that the Town provides residents advocacy, County programming and benefits are included in these advocacy areas. The County employee is full-time with DSS and her part-time hours with the Town are a maximum 8 hours a week from approximately 5:30-7:00pm.

Telephone fact-finding with the Supervisory Official and employee found that 1) the town employer has reassigned the subject matter of any of this employee's advocacy in the Town to exclude inquiries about County benefits 2) the requesting Supervisory Official confirmed that recusals in DSS are feasible for this employee if necessary as there are more than 100 County employees holding the same job title and 3) the Town of [REDACTED] is not currently in contract with Suffolk County DSS.

Accordingly, the Board finds that the part-time employment is not a conflict of interest for two reasons. First, the part-time Town employer has reassigned the subject matter of advocacy in the Town to exclude any inquiries about County benefits. Second, the requesting Supervisory Official confirmed that recusals in DSS are feasible for this employee if necessary as there are more than 100 County employees holding the same job title.

**CONCLUSION**

Accordingly, the Board finds that pursuant to Suffolk County Code, the requested future conduct, as described herein, is permissible under Sections 77-3(B) and 77-3(C).

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this 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.

The forgoing is the opinion of the Board.

Dated: Great River, New York  
6/6/2018

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Eric A. Kopp - Chair