

Suffolk County Board of Ethics
Suffolk County, New York

Minutes of Meeting Held on
February 27, 2013
Office of the Board of Ethics
335 Yaphank Avenue, Yaphank, New York 11980

Meeting: Board members present: Robin Long, Thomas Isles, Heather Palmore and Linda Spahr. Richard Halverson arrived at 6:10 p.m. Staff present: Samantha Segal, Executive Director and Darlene Kurrass, taking minutes.

Roll Call: The meeting was called to order at 6:09 p.m. by Chair, Robin Long. A roll call was conducted and a quorum was present.

Adoption of Agenda: At 6:09 p.m. a motion was made by Linda Spahr, seconded by Thomas Isles, to adopt the agenda. Upon a vote being taken motion was approved. (4-0-0)

Adoption of Minutes: At 6:10 p.m. a motion was made by Linda Spahr, seconded by Heather Palmore to adopt the minutes of the January 30, 2013 meeting. Upon a vote being taken motion was approved. (5-0-0)

Public Session: No members of the public were present and no written testimony was submitted. Robin Long closed the public session at 6:12 p.m.

Chair Report: Robin Long discussed the Board's upcoming March meetings. The Board rescheduled the March 13, 2013 meeting to March 11, 2013 to be held at 6:00 p.m.

Executive Director Report: Samantha Segal, Executive Director, reviewed for the Board the office's progress since the last Board meeting held January 30, 2013, which included:

- Meeting with staff of the Suffolk County Department of Information Technology concerning the creation of an electronic filing system for Financial Disclosure Statements. A preliminary should be available June 2013 for the Board's review.
- Discussing an interactive Power Point ethics training program to be distributed July 2013.
- Publishing the "Notice of Request for Qualification" for outside counsel. Nineteen (19) firms and practitioners requested the "Request for Qualification" ("RFQ"). Submission date for the RFQ is March 15, 2013 at 4:00 p.m.
- Receiving thirty-one (31) lists from Department/Agency Heads, most including organizational charts, of their intended required files of 2013 Financial Disclosure Statements.
- Requesting 200 copies of the Suffolk County Code of Ethics Booklet be printed.
- Legislation update: Local Law Submission: The Local Law submission was presented to the Ways & Means Committee, February 27, 2013, and was tabled until after the General Legislation meeting held March 5, 2013 at which a public session will be held to open discussion of the Local Law submission.
- Receiving two (2) Legislative recusals.

- Contacting COGEL for guidance in assembling an ethics training program.
 - This year's COGEL conference will be held in Quebec.
- Receiving four (4) Advisory Opinion Requests
- Researching a Public Officials Liability and Employment Practices Liability Policy, and
- Drafting "Office Procedures Intake of Hard Copy Financial Disclosure Statements & Extension Applications".

The Board reviewed the proposed "Office Procedures Intake of Hard Copy Financial Disclosure Statements & Extension Applications".

At 6:23 p.m. a member of the public entered the Board Room. Upon request, he presented his business card to staff. Robin Long, Chair, asked that he identify himself for the purpose of the minutes.

- Scott B. Augustine, Attorney from Bellport, New York, 11 Station Court, Bellport, New York 11713.

No written testimony was submitted.

At 6:33 p.m. a motion was made by Linda Spahr, seconded by Heather Palmore to re-open the public session. Upon a vote being taken motion was approved. (5-0-0)

Scott B. Augustine stated that he was attending the meeting to familiarize himself with the Suffolk County Board of Ethics, and that his client would like to make a complaint in regards to.

Heather Palmore stopped Mr. Augustine from continuing and asked if he would mind stepping out of the room for a moment.

The member of the public, Mr. Augustine, left the room at 6:34 p.m.

At 6:34 p.m. a motion was made by Heather Palmore, seconded by Richard Halverson to go into Executive Session. Upon a vote being taken motion was approved. (5-0-0)

A 6:35 p.m. motion was made by Linda Spahr, seconded by Heather Palmore to leave Executive Session. Upon a vote being taken motion was approved. (5-0-0)

The member of the public, Mr. Augustine, returned to the room at 6:35 p.m.

Robin Long apologized to Mr. Augustine for the Board's abruptness, and explained to him that the Suffolk County Board of Ethics has confidentiality procedures and procedures for filing a complaint. The Board stopped him before he could continue so that there was no breach of confidentiality during public session. Robin Long stated to Mr. Augustine, with all due respect, that the Board would like to direct him to view the Board's website, where our complaint procedures are posted, and that everything, pertaining to a complaint, must be submitted in writing.

Mr. Augustine thanked the Board for their time and confirmed that we would visit the Board's website for more information.

At 6:39 p.m. Mr. Augustine left the meeting.

At 6:40 p.m. a motion was made by Linda Spahr, seconded by Heather Palmore to close Public Session. Upon a vote being taken motion was approved. (5-0-0)

The Board returned to the review of the proposed “Office Procedures Intake of Hard Copy Financial Disclosure Statements & Extension Applications” and opened discussion of it.

At 6:55 p.m. a motion was made by Linda Spahr, seconded by Heather Palmore to adopt the “Office Procedures Intake of Hard Copy Financial Disclosure Statements & Extension Applications” as amended. Upon a vote being taken the motion was approved. (5-0-0)

The Board discussed taking on a legal intern, who would be unpaid but receive college credit, for the purpose of doing legal research only, there were no objections.

The Board reviewed the “Notice of Violation” form for non-employees.

After discussion, at 7:02 p.m. a motion was made by Richard Halverson, seconded by Thomas Isles, to adopt the “Notice of Violation” form for non-employees as amended. Upon a vote being taken motion was approved. (5-0-0)

Executive Session: At 7:05 p.m. a motion was made by Robin Long, seconded by Thomas Isles to go into Executive Session to discuss confidential matters pertaining to Advisory Opinion Requests. Upon a vote being taken, motion was approved. (5-0-0)

During Executive Session, the Board discussed:

- AO-2013-2, and decided it would render an opinion, which will be drafted by the Executive Director.
- AO-2013-3, and decided it would render an opinion, which will be drafted by the Executive Director.
- AO-2013-4, and decided it would render an opinion, which will be drafted by the Executive Director.
- AO-2013-5, and decided that this request was not in the Board’s jurisdiction, and to send a letter of such decision.

At 7:55 p.m. Heather Palmore left the room during Executive Session.

At 8:07 p.m. Heather Palmore returned to the room during Executive Session.

At 8:07 p.m. Heather Palmore left the meeting.

At 8:08 p.m. A motion was made by Robin Long, seconded by Linda Spahr to vote on the drafted Advisory Opinion for AO-2012-3. Upon a vote being taken motion was disapproved. For: Robin Long, Chair. Opposed: Thomas Isles, Vice Chair, Richard Halverson, and Linda Spahr. No recusals. (1-3-0)

The Board reopened the discussion of AO-2012-3.

Robin Long entertained a motion, to reopen a vote, to decide if AO-2012-3 could be rendered an opinion. Motion was tabled.

- AO-2012-3, and decided that it would be tabled until the next meeting.

At 8:36 p.m. a motion was made by Linda Spahr, seconded by Thomas Isles to leave Executive Session. Upon a vote being taken motion was approved. (4-0-0)

Robin Long presented Resolution No. 007-2013 “2012 Annual Report Deadline Extension” to the Board, to extend the deadline for filing to March 27, 2013.

At 8:38 p.m. a motion was made by Robin Long, seconded by Thomas Isles to adopt Resolution No. 007-2013. Upon a vote being taken motion was approved. (4-0-0)

Robin Long presented Resolution No. 006-2013 “Acceptance of ‘Elected Official’s Sworn Statements’ for the October 2012 Filing” to the Board, to accept “Elected Official’s Sworn Statements” for the October 2012 filing until March 13, 2013.

At 8:39 p.m. a motion was made by Robin Long, seconded by Richard Halverson to adopt Resolution No. 006-2013 as amended. Upon a vote being taken motion was approved. (4-0-0)

New Business: The Board was presented with materials for discussion at the upcoming meetings. Those materials included Draft Rules, Regulations and Procedures of the Board of Ethics and Public Officials Liability and Employment Practices Liability Policy.

The next meeting of the Board will be held on March 11, 2013 at 6:00 pm.

There being no further business, a motion was made by Linda Spahr, seconded by Richard Halverson to adjourn the meeting. Upon a vote being taken the motion was approved. (4-0-0) (8:42 p.m.)