

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

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In the Matter of the Inquiry of

██████████ in capacity as a public servant  
in the title of Assistant County Attorney

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STATE OF NEW YORK: COUNTY SUFFOLK  
COUNTY BOARD OF ETHICS  
Advisory Opinion 2018-14  
July 18, 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 is a current Assistant County Attorney. The Requestor has asked whether it would violate the Code of Ethics become a member of the Board of Directors of the Nassau County ██████████. The Board finds this will not violate the County Code.

**Analyzed Laws and Rules:** The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions, and Suffolk County Board of Ethics Advisory Opinions.

**Procedural History:** This Advisory Opinion Standing vote occurred on 7/18/2018 and the Board has determined that the requested future conduct is permissible under the County Code of Ethics.

**Opinion:** The Requestor is a current Assistant County Attorney. The Requestor has asked whether it would violate the Code of Ethics become a member of the Board of Directors of the Nassau County ██████████.

In considering this inquiry, the Board employed the following three-step analysis to determine whether a prohibited conflict of interest would exist:

- a) Does the requestor have standing to obtain an Advisory Opinion from the Suffolk County Board of Ethics;
- b) Is the requestor seeking advice on proposed future conduct;
- c) Whether an impermissible conflict of interest exists.

The Board determined that County employees have standing for this Advisory Opinion, deeming the Requestor a “public servant” and binding the Requestor to the Suffolk County Ethics Laws (*People of the State of New York v. Adolphus Ebuzome* 435 N.Y.S.2d 243, NYC COIB Advisory Opinion 2009-4).

The Board finds under § 77-2(D)(3), that the Requestor, who is a public servant, did comply with the directives set forth in this subsection by asking the Board in a timely manner as required to determine if there was a conflict.

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As to potential conflicts of interest, the law states exemptions to prohibited conduct at § 77-5. In pertinent part, at § 77-5(D):

“A public servant or public servant's spouse from acting as an attorney, agent, broker, officer, director or consultant for any not-for-profit corporation or other entity which operates on a not-for-profit basis, which has business dealings with the County, provided that such public servant takes no direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities”.

The requestor has asserted that the Nassau County [REDACTED] has a contract with Suffolk County and that he will be taking no, “ direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities”. The Board has concluded that the proposed activity under the facts presented would not violate the County Code of Ethics.

**Conclusion:** As set forth above, the Board finds the proposed future conduct is permissible under the County Ethics Code

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  
7/18/2018

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Eric A. Kopp, Chairman