

CASE NO. 9863

RESOLUTION NO. 1590-1990

Adopted: December 4, 1990

Mr. Cairo offered the following resolution
and moved its adoption:

RESOLUTION AMENDING THE CODE OF
ETHICS FOR OFFICERS, AGENTS AND
EMPLOYEES OF THE TOWN OF HEMPSTEAD.

WHEREAS, the Town of Hempstead, by Resolution No. 1889-1974, pursuant to the provisions of the General Municipal Law of the State of New York, adopted a Revised Code of Ethics establishing rules and standards of ethical conduct for public officers, agents and employees of the Town of Hempstead; and

WHEREAS, recent amendments of the said General Municipal Law pertaining to financial disclosure necessitate a further revision of the said Code of Ethics to conform thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Hempstead hereby adopts the following to be known as "The Revised Code of Ethics and Financial Disclosures for Officers, Agents and Employees of the Town of Hempstead":

THE REVISED CODE OF ETHICS AND
FINANCIAL DISCLOSURE FOR
OFFICERS, AGENTS AND EMPLOYEES
OF THE TOWN OF HEMPSTEAD

ARTICLE 1

CONFLICTS OF INTEREST PROHIBITED.

Sec. I. No officer or employee of the Town of Hempstead, whether paid or unpaid, shall

(a) Be or become interested directly or indirectly in any manner whatsoever, except by operation of law, in any business or professional dealings with the Town of Hempstead or any agency thereof.

(b) Act as attorney, agent, broker, representative or employee in business or professional dealing with the Town of Hempstead or any agency thereof for any person, firm or corporation directly or indirectly in any manner whatever.

(c) Accept other employment or engage in any business

ARTICLE II

GIFTS AND FAVORS

Sec. I. No officer or employee of the Town of Hempstead, whether paid or unpaid, shall accept any valuable gift, whether in the form of services, loan, thing or promise or any other form from any person, firm or corporation which, to his knowledge, is interested directly or indirectly in any manner whatsoever, in business or professional dealings with the Town of Hempstead or any agency thereof.

ARTICLE III

DISCLOSURE OF INTEREST

Sec. I. Any officer or employee of the Town of Hempstead, whether paid or unpaid, who has a direct or indirect financial or other private interest in any matter being considered by the Town Board of the Town of Hempstead, or by any other official or agency, officer or employee of said Town, and who participates in discussions before, or gives opinions to such board, agency or individuals, shall publicly disclose on the official record the nature and extent of such interest.

Sec. II. Any officer or employee of the Town of Hempstead, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of said Town in which he has any direct or indirect financial or other private interest, shall be required to disclose, in writing, his interest to such board, agency, officer or employee and the nature and extent thereof.

Sec. III. A copy of every disclosure required under Sec. I and Sec. II above, including a copy of any transcript of such disclosure, shall be promptly transmitted by the board, agency, officer or employee receiving such disclosure, to the Town Clerk, who shall file and maintain same as a public record.

ARTICLE IV

DISCLOSURE OF CONFIDENTIAL INFORMATION

Sec. I. No officer or employee of the Town of Hempstead, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town, or any other confidential information of an official character except when permitted or required by law, or shall he use such information to advance the financial or other private interests

of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he personally participated during the period of his service or employment or which was under his active consideration.

ARTICLE VI

FINANCIAL DISCLOSURE

Sec. I. (a) Every elected official, officer or employee and political party official and every candidate for Town elected office shall file an annual statement of financial disclosure containing such information and in such form as is set forth in Section III of this Article. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:

(1) A person who is subject to the reporting requirements of this subdivision and who has timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(2) A person who is required to file an annual financial disclosure statement with the Board of Ethics and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on this subject, shall file such statement within the additional period of time granted;

(3) Candidates for Town elected office who file designating petitions for nomination at a primary election, shall file a financial disclosure statement

said candidates as candidates for Town elected office in the next succeeding general or special election; and

(5) Candidates for Town elected office who receive the nomination of a party for a special election shall file a financial disclosure statement within two business days after the date of the meeting of the party committee at which they are nominated.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination", "ballot" and "uncontested office" shall have the same meanings as those contained in section 1-104 of the Election Law.

(c) Each financial disclosure statement shall be filed with the Town of Hempstead Board of Ethics.

(d) The Town of Hempstead Board of Ethics shall obtain from the Nassau County Board of Elections lists of all candidates for Town elected office, and from such lists, shall determine and officially publish lists of those candidates who have not, within two days after the required date for filing a financial disclosure statement, filed the statement required by this subdivision.

(e) Both political party officials and any person required to file a financial disclosure statement who commences employment after April fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of political party official, as the case may be.

(f) A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the Public Officers Law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the financial disclosure statement filed pursuant to section seventy-three-a of the Public Officers Law with the Town of Hempstead Board of Ethics on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

(g) A person who is subject to the filing requirements of this subdivision from more than one political subdivision within Nassau County may satisfy the requirements of this subdivision by filing only one annual financial disclosure statement with the Town of Hempstead Board of Ethics or if such political subdivision crosses one or more county boundary lines, then such single filing may be made for any of the counties in which one of such political subdivisions is located provided, however, that the Town of Hempstead Board of Ethics is notified of the name of the county of such compliance by the person who is subjected to the filing requirements of this subdivision, within

for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

Sec. II. As used in Article VI and VII, the following terms shall be the meaning set forth beside such terms:

(a) The term "town" shall mean the Town of Hempstead.

(b) The term "elected official" shall mean an elected official of the town.

(c) The term "officer or employee" shall mean,

(1) the heads (other than local elected officials) of any department, agency, board or commission of the town and their deputies and assistants, and the officers and employees of such departments, agencies, boards or commissions who hold policy-making positions, as annually determined by the Town Board and set forth in a resolution of said Town Board which shall be filed with the Board of Ethics on or about February 15th of each year;

(d) The term "candidate" shall be deemed to apply to any person seeking a nomination, designation or election to a public office or party office.

(e) The term "reporting individual" shall mean the person required by this section to file an Annual Financial Disclosure Statement.

(f) The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (i) a judicial order, decree or judgment, or (ii) a legally binding separation agreement.

(g) The term "dependent" shall mean any of the following individuals over half of whose support, for the calendar year in which the taxable year of the reporting individual begins, was received from the reporting individual (or is treated under §152 of, 26 U.S. Code as received from the reporting individual:)

(1) A descendant of an unemancipated child;

(2) A brother, sister, stepbrother or stepsister;

(3) The father or mother of the reporting individual or an ancestor of either;

law, mother-in-law, brother-in-law or sister-in-law of the reporting individual; or

(8) An individual (other than an individual who at any time during the reporting individual's taxable year was the spouse of the reporting individual) who, for the taxable year of the reporting individual, has as a principal place of abode the home of the reporting individual and is a member of the reporting individual's household.

(h) The term "political party official" shall mean any chairman of a Town committee elected pursuant to the Election Law or designated by the rules of a Town political committee as the "Town Leader" or "Chairman of the Executive Committee" or by whatever title designated, pursuant to the rules of such Town committee or, in actual practice, possesses or performs the principal political executive and administrative functions of said Town committee or has the power of general management over the affairs of such Town committee or the power to exercise the powers of the chairman of such Town committee in accordance with the rules of such Town committee or any person elected pursuant to the Election Law or designated by the rules of any Town committee, as the "Town Leader" of any political party and who receives compensation or expenses of thirty thousand dollars or more during the reporting period.

(i) The term "relative" shall mean the spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

(j) The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter under the age of 18, unmarried and living in the household of the reporting individual.

(k) The term "ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

Sec. III. The annual statement of financial disclosure shall contain the information and shall be in the form set forth below:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
THE TOWN OF HEMPSTEAD
(For calendar year _____)

(d) Office Telephone Number _____

3. (a) Marital Status _____. If married, please give spouse's full name including maiden name where applicable.

(b) List the names of all unemancipated children.

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the Category by letter only.

For the purposes of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the General Municipal Law, of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>
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or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>

5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Name & Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

- (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except from guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

<u>Self, Spouse or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity and Interest in Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>
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7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or practices a profession licensed by the department

(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000, excluding investments in securities and interests in real property.

9. List each source of gifts, excluding campaign contributions, in excess of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

<u>Self, Spouse or Child</u>	<u>Name of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>	<u>Category of Value of Gift</u>

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as speaking, engagements, conferences or factfinding events. The term "reimbursements" does not include gifts

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the state of New York or the city of New York, and deferred compensation plans established in accordance with the internal revenue code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

<u>Identity</u>	<u>Category of Value*</u>
_____	_____
_____	_____
_____	_____
_____	_____

* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

- (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interest in or contributions to a pension fund, profitsharing plan or life or health insurance; buy-out agreements; severance payments; etc.)

public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/ Spouse</u>	<u>Source</u>	<u>Nature</u>	<u>Category of Amount</u>

14. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

<u>Source</u>	<u>Category of Amount</u>

15. List each assignment of income in excess of \$1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

<u>Self/ Spouse</u>	<u>Issuing Entity</u>	<u>Type of Security</u>	<u>Category of Market Value as of the close of the taxable year last occurring prior to the filing of this Statement</u>	<u>Percentage of corporate stock owned or Controlled</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

<u>Self/ Spouse/ Other Party</u>	<u>Location</u>	<u>Size</u>	<u>General Acquisition Nature</u>	<u>Acquisition Date</u>	<u>Category of Market Value</u>	<u>Percentage of Ownership</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation, Date Due, and Nature of Collateral, if any</u>	<u>Category of Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

19. List below all liabilities of the reporting individual and such individual's spouse, in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection

<u>Name of Creditor or Guarantor</u>	<u>Type of Liability and Collateral, if any</u>	<u>Category of Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)

Date (month/day/year)

Sec. IV. (a) Willful failure to file or knowing and willful intent to deceive or providing false information is punishable as a civil penalty in an amount not to exceed \$10,000.00. The Board of Ethics may, in lieu of a civil penalty, refer a violation to the District Attorney. Upon conviction of such, but only after such referral, such violation shall be punishable as a Class "A" misdemeanor. A civil penalty for falsifying may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely undertaken. No other penalty, civil or criminal, may be imposed for a failure to file a false filing of such statement of financial disclosure, except that disciplinary action may be imposed as otherwise provoked by law or as may be provided by professional oversight or licensing agencies.

(b) Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final, shall be subject to review at the instance of the affected reporting individual in proceeding against the Board of Ethics pursuant to Article seventy-eight of the Civil Practice law and rules.

ARTICLE VII

BOARD OF ETHICS

Sec. I. A three (3) member Board of Ethics is hereby created and established and shall be comprised of one member who is an elected or appointed officer or employee of the Town of Hempstead and two members who are not otherwise officers or employees thereof. All three shall be residents of the Town and shall serve without compensation at the approval and pleasure of the Town Board upon appointment by the Presiding

Sec. IV. Such Board, upon its formation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

Sec. V. The Board of Ethics shall have the following additional powers when dealing with financial disclosure as set forth in Article VI.

(a) The board may delegate authority to an executive director to act in the name of the board between meetings of the board provided such delegation is in writing and the specific powers to be delegated are enumerated.

(b) Appoint such other staff as are necessary to carry out its duties under this section.

(c) Adopt, amend, and rescind rules and regulations to govern procedures and financial disclosure required hereunder.

The board may utilize or modify such rules or regulations or adopt separate rules or regulations for the purposes of paragraph (d) of subdivision one of section eight hundred eleven of the General Municipal Law.

(d) Promulgate guidelines to assist the Town Board in determining which persons hold policy-making positions for purposes of Article VI of this resolution.

(e) Make available forms for annual statements of financial disclosure required to be filed pursuant to Article VI of this section.

(f) Review completed financial disclosure statements in accordance with the provisions of Article VI of this resolution provided, however, that the board may delegate all or part of this review function to the executive director who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the board's delegation.

(g) Receive complaints alleging a violation of the provision of Article VI of this resolution or a violation of the criteria for reporting requirements established by this resolution.

(h) Establish rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, political party officials, officers and employees and candidates for county elective official.

(i) Act as a repository for completed financial disclosure forms filed pursuant to Article VI of this resolution.

(j) Upon certification of a question, the board may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition

resolution except the categories of value or amount which shall remain confidential.

- (2) Notices of Delinquency;
- (3) Notices of Reasonable Cause; and
- (4) Notices of Civil Assessments imposed under this section.

(1) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the board shall be open to the public, except if expressly provided otherwise by the board.

(m) The board or the executive director and staff of the board, if responsibility therefore has been delegated, shall inspect all financial disclosure statements filed with the board to ascertain whether any person subject to the reporting requirements has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of this revised Code of Ethics of this resolution.

(n) If a person required to file a financial disclosure statement with the board has failed to file a disclosure statement or has filed a deficient statement, the board shall notify the reporting person in writing, state the failure to file or detail the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. The Board may, in respect to a deficiency that is not willful, provide the person with a fifteen day period to cure the deficiency. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the board shall send a Notice of Delinquency:

- (1) to the reporting individual; and
 - (2) in the case of an officer or employee, to the appointing authority for such person.
- (o) (1) If a reporting individual has filed a statement which reveals a possible violation of this revised Code of Ethics of this resolution, or the board receives a sworn complaint alleging such a violation, or if the board determines on its own initiative to investigate a possible violation, the board shall notify the reporting individual in writing, describe the possible or alleged violation of such law, and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation. If the board thereafter makes a determination that further inquiry is justified, it shall give the reporting individual an opportunity to be heard. The board shall also inform the reporting individual of its rules regarding
- just of adjudicatory proceedings and appeals

- (i) to the reporting individual;
- (ii) to the complainant if any; and
- (iii) in the case of an officer or employee, to the appointing authority for such person.

(p) A copy of any Notice of Delinquency or Notice of Reasonable Cause shall be included in the reporting individual's file and be available for public inspection.

(q) Upon written request from any person who is subject to the jurisdiction of the board, the board shall render advisory opinions on the requirements of said provisions. An opinion rendered by the board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion, may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the board may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

(r) In addition to any other powers and duties specified by law, the board shall have the power and duty to:

- (1) Administer and enforce all the provisions of this resolution;
- (2) Conduct any investigation necessary to carry out the provisions of this resolution. Pursuant to this power and duty, the board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

ARTICLE VIII

PENALTIES

Sec. 1. A violation of any of the provisions of this Code, except for Article VI, shall constitute cause for the forfeiture of pay, suspension or removal from office or employment in the form and manner as provided by law.

Sec. II. Nothing in this Article shall limit any other penalties which may be provided by law.

ARTICLE IX

SEVERABILITY CLAUSE

RESOLVED, that the Town Clerk be and he hereby is directed to file a certified copy of this resolution with the Comptroller of the State of New York, within thirty (30) days of the adoption thereof.

The foregoing resolution was seconded by Mr. Zagarino and adopted upon roll call as follows:

AYES: EIGHT (8)

NOES: NONE (0)