

Suffolk County, NY  
Monday, April 23, 2012

## Chapter 77. ETHICS AND ACCOUNTABILITY

[**HISTORY:** Adopted by the Suffolk County Legislature as indicated in article histories. Amendments noted where applicable. Uncodified sections of certain local laws amending these provisions are included at the end of this chapter.]

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### GENERAL REFERENCES

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Ethics Commission — See Charter Art. XXX.  
Code of Ethics — See Administrative Code Art. XXX.  
Defense and indemnification — See Ch. 42.

### Article I. Financial Disclosure

[Adopted 6-13-1978 by L.L. No. 12-1978 (Ch. 61 of the 1985 Code)]

#### § 77-1. Title.

This article shall be known as the "Suffolk County Financial Disclosure Law."

#### § 77-2. Policy.

It is hereby declared the policy of Suffolk County:

- A. To ensure to the citizens of Suffolk County a County government that is administered free from any conflicts of interest by officers and employees who affect the integrity of the County government.
- B. To recognize that the citizens of Suffolk County are entitled to a high standard of candor from their public servants.
- C. To provide a means by which those County officers and employees may disclose those aspects of their business and personal affairs which, even though they may not relate to the specific duties of the County officer or employee, reflect upon the integrity of the County government.
- D. To discourage and detect corruption and the appearance of corruption.
- E. To instill in the public a sense of confidence and integrity and impartiality of its public servants.

#### § 77-3. Legislative findings.

The County Legislature has made the following findings of fact and determination:

- A. The citizens of Suffolk County desire and require accountability and candor of their government, more particularly those officers and employees who perform responsible functions on behalf of the County government.

- B. Any conflict of interest on the part of County officers and employees is deleterious to the County government administration and credibility.
- C. Those persons who hold County positions as hereinafter defined constitute a distinct class of County government officers and employees whose public and personal affairs reflect upon and relate to the credibility and quality of government administration.
- D. All information obtained by the Board as hereinafter created and not made public pursuant to this article shall be considered confidential, and any disclosure shall be an unwarranted invasion of personal privacy under the meaning of the Freedom of Information Law.

#### **§ 77-4. Definitions.**

[Amended 3-19-1991 by L.L. No. 11-1991]As used in this article, the following terms shall have the meanings indicated:

#### **BOARD**

The Suffolk County Ethics Commission. *Editor's Note: See Art. XXX of the Suffolk County Charter.*

#### **CLERK**

The Clerk of the Suffolk County Legislature.

#### **COUNTY OFFICERS OR EMPLOYEES**

All elected Suffolk County officials; all department heads; chief deputy department heads; assistants to department heads; deputy department heads and all officers and employees, regardless of civil service status, of County departments, boards, commissions, councils, bureaus, agencies, public benefit corporations or public authorities, whether paid or unpaid, who hold policymaking positions or who hold positions involving the negotiation, authorization or approval of contracts, leases, franchises, revocable consents or concessions, licenses or special permits; the purchase, sale, rental or lease of real property, goods or services or a contract therefor; the obtaining of grants of money or loans; or the adoption or repeal of any rule or regulation having the force and effect of law; members appointed to the Suffolk County Industrial Development Agency; members appointed to the Suffolk County Water Authority; members of the Board of Trustees of Parks, Recreation and Conservation; and members of the Suffolk County Planning Commission. "Officers or employees" shall not include individuals appointed to the titles and positions in the list appended to this article as Appendix A. *Editor's Note: Appendix A is included at the end of this chapter.* The appointing authority of each County department, board, commission, council, bureau, agency, public benefit corporation or public authority shall furnish the Suffolk County Ethics Commission, in writing, no later than January 31 of each year, with a list of names and resident addresses of each of its officers and employees as defined herein. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 11).*

#### **§ 77-5. Board staff and meetings.**

[Amended 2-24-1981 by L.L. No. 11-1981; 10-8-1985 by L.L. No. 34-1985; 3-19-1991 by L.L. No. 11-1991]

- A. The Board may appoint such clerical staff as it deems appropriate, subject to appropriations made available by the County Legislature.
- B. The Board shall conduct at least three meetings, open to the public, per year to carry out its duties, functions and responsibilities under this article.

**§ 77-6. Powers of Ethics Commission.**

[Amended 5-8-1979 by L.L. No. 13-1979; 2-24-1981 by L.L. No. 11-1981; 7-8-1986 by L.L. No. 20-1986; 3-19-1991 by L.L. No. 11-1991]

- A. The Board shall review the statement as set forth in § 77-9 of this article and may recommend, from time to time, proposed revisions, alterations or amendments to the statement form, including the information required. The Board shall submit said changes to the Presiding Officer, who shall introduce said changes to the County Legislature as a local law amending § 77-9 herein. Neither the Presiding Officer nor the members of the Legislature may amend said proposal, but may either adopt or reject the proposal as submitted. Upon the review of a statement form or its subsequent revision, alteration or amendment, the Board shall direct that a copy of the same be mailed to those officers and employees who are required to file a statement.
- B. It shall be the duty of the Board to receive and file the statement of those officers and employees required to file the same, pursuant to this article. Any officer or employee who knowingly fails to file the statement or files an incomplete or partially or wholly unanswered statement or otherwise fails to comply with the directives of the Board in mandating compliance with this article shall have his name and title disclosed by the Board to the Clerk and the County Executive. The Board shall advise these officers of the extent of noncompliance. This disclosure, however, shall not be made where the officer or employee cures the deficiency in the statement within 15 days of the Board's notification to the noncomplying officer or employee by certified mail of its intention to disclose pursuant to this subsection.
- C. Where the Board deems a conflict of interest or other impropriety adversely reflecting on the integrity of the County government does exist and if, in the sole opinion of the majority of the entire membership of the Board, such conflict warrants a public disclosure, the Board shall cause and direct only the relevant portions of the statement of the particular officer or employee to be filed with the Clerk, and the filing thereof shall constitute a public record to be made available to anyone who makes application to examine such record. The Clerk shall accept such statements and maintain separate files for the same. In addition, the Board shall file a copy of the relevant portions of the statement with the:
- (1) Presiding Officer and the County Legislature if the officer or employee is in the legislative branch;
  - (2) County Executive if the officer or employee works for the executive branch; or
  - (3) Presiding officer, the County Executive and the department head if the officer or employee works for a department headed by an elected official.
- D. In addition to all other powers conferred by this section, the Board may recommend to the officer or employee a manner in which the conflict of interest or appearance of impropriety may be rectified. An affidavit by the officer or employee detailing his compliance with the recommendations of the Board shall be sufficient reason to rescind the Board's decision to disclose the statement or portion of the statement to the Clerk. The affidavit must be delivered to the Board in the time and place set forth in the Board's certified return-receipt-requested letter to the officer or employee. If the officer or employee fails to follow the recommendations of the Board in curing the conflict of interest or appearance of

impropriety, that fact shall also be disclosed to the Clerk. Nothing herein shall be construed or interpreted to mean that the Board is under a duty to make recommendations to the officer or employee.

E. The Board shall determine whether or not there is a conflict of interest pursuant to Article XXX of the Suffolk County Charter and Article XXX of the Suffolk County Administrative Code, the County Code of Ethics.

F. Information as to any County government position created after March 28, 1986, shall be submitted by the Department of Human Resources, Personnel and Civil Service to the Legislature within 90 days of the creation of such a position. The Legislature, upon receipt of such information, shall determine via resolution whether such a position is to be covered by the Financial Disclosure Law. If such a position is to be covered by the Financial Disclosure Law, the Board shall take the appropriate action to inform any individual filling such a position of the necessity to comply with the Financial Disclosure Law. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).*

#### **§ 77-7. Filing of statement required.**

**[Amended 7-8-1986 by L.L. No. 2-1986; 5-9-1989 by L.L. No. 12-1989** *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).* ]Each and every officer or employee, except for members of the Board of Trustees of Parks, Recreation and Conservation and members of the Suffolk County Planning Commission, shall file with the Board a statement answering each and every question set forth and the information requested by the Board and included in the statement. Members of the Board of Trustees of Parks, Recreation and Conservation and members of the Suffolk County Planning Commission shall use the financial disclosure form marked "Exhibit AA." *Editor's Note: Exhibit AA is included at the end of this article.*

#### **§ 77-8. Deadline for filing statement.**

**[Amended 3-13-1979 by L.L. No. 5-1979; 3-25-1986 by L.L. No. 9-1986; 3-19-1991 by L.L. No. 11-1991** *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).* ]All County officers and employees shall file their respective statements with the Board on or before May 15 of each year.

#### **§ 77-9. Content and form of statement.**

**[Amended 2-24-1981 by L.L. No. 11-1981; 10-8-1985 by L.L. No. 34-1985; 3-25-1986 by L.L. No. 9-1986]**The disclosure statement, as set forth herein, shall be the approved disclosure statement. This statement may be revised, altered or amended by the Board pursuant to § 77-6A. *Editor's Note: The financial disclosure statement is included at the end of this article.*

#### **§ 77-10. Penalties for offenses.**

**[Amended 3-19-1991 by L.L. No. 11-1991]**

##### A. Civil.

- (1) In addition to any other penalty provided by Article XXX of the Suffolk County Charter or any other law, if any officer or employee shall refuse or fail, either unknowingly or intentionally, to file a statement as required by this article, the Board shall notify the County Comptroller or pertinent person issuing the affected individual's paycheck that

said individual has not filed a statement. Upon such notification, the Comptroller or pertinent person issuing the paycheck shall withhold the paycheck by said officer or employee. In addition, the officer or employee shall also be notified, by mail, that no statement has been filed.

- (2) Once a statement has been filed, the Board shall promptly notify the Comptroller or pertinent person issuing the paycheck that the officer or employee has complied with the filing requirement of this article, and the Comptroller or pertinent person issuing the paycheck shall release all moneys withheld.
  - (3) Notwithstanding any other penalties imposed by this section, if any officer or employee does not file a statement within 45 days after being notified by the Board that said officer or employee has failed to file or if the officer or employee files a statement which the Board determines was filed with the intent to deceive or intentionally misrepresent or otherwise fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement, such action shall be deemed a misconduct of office and shall be grounds for dismissal or removal pursuant to Civil Service Law § 75; Public Officers Law Article 3; the Suffolk County Charter, § C23-9; or any other applicable section of law.
- B. Criminal. If any officer or employee files a statement with the intent to deceive, to intentionally misrepresent or to otherwise fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement and if such deception or misrepresentation is found to be both intentional and material, then such officer or employee shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of up to \$1,000 and/or a term of imprisonment of up to one year. In all criminal proceedings, the Board, through a designated representative, shall act as a complaining witness. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

**§ 77-11. Unauthorized disclosure prohibited; penalty.**

[Amended 3-19-1991 by L.L. No. 11-1991]

- A. It shall be unlawful for a member of the Commission or any other individual to disclose any information contained on a disclosure statement except as authorized by law. Such violation shall be punishable by a fine of not more than \$250 or imprisonment for not more than 10 days, or both.
- B. Notwithstanding any provision of Article 6 of the New York Public Officers Law, the information obtained pursuant to this article which shall be available for public inspection is:
  - (1) The information set forth in an annual statement of financial disclosure, except that the categories of value shall remain confidential as shall any other item of information authorized by the Board to be deleted from an individual's disclosure form.

**Article II. Time Accounting by Commissioners, Department Heads and Deputies**

[Adopted 3-22-1994 by L.L. No. 5-1994 (Ch. 54, Art. I, of the 1985 Code)]

**§ 77-12. Legislative intent.**

- A. This Legislature hereby finds and determines that recent actions on the County's operating budget have required enormous sacrifice on the part of everyone, including County taxpayers and County employees.
- B. This Legislature also finds and determines that the fiscal difficulties currently confronting the County of Suffolk require full verifiable accounting of time by all commissioners, department heads, deputy commissioners or deputy department heads.
- C. Therefore, the purpose of this article is to require a full accounting and verification of all time sheets by commissioners, department heads, deputy commissioners and deputy department heads.

**§ 77-13. Time sheets.**

- A. Each head or commissioner, as the case may be (except an elected head of a department), of a County department or agency, each chief deputy and each deputy thereof shall file a completed time sheet on a monthly basis as a precondition of receipt of compensation for such position of employment.
- B. The time sheets to be filed under Subsection A of this section shall contain an accurate accounting of the number of hours of actual employment of said County officials and of any accruals arising thereunder.
- C. The time sheets required by this section shall be reviewed for compliance by the County Department of Audit and Control, or any successor department thereto, except that time sheets for the chief deputy or any deputy in the Comptroller's office shall be reviewed for compliance by the County Department of Human Resources, Personnel and Civil Service.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Failure to comply with this section and to file such time sheets shall constitute a basis for denial of payment of County compensation to such individual who is in noncompliance.

**§ 77-14. Applicability.**

This article shall apply to all hours of employment occurring on or after the effective date of this article.