

AMENDMENT IN THE NATURE OF A SUBSTITUTION - ITEM 269-17

Introduced by: Presiding Officer Norma L. Gonsalves, Deputy Presiding Officer Richard J. Nicoletto, Alternate Deputy Presiding Officer Howard J. Kopel, and Legislators Denise Ford, C. William Gaylor, Vincent T. Muscarella, James Kennedy, Laura Schaefer, Rose Marie Walker, Donald MacKenzie, Steven Rhoads

LOCAL LAW NO. 6-2017

A LOCAL LAW TO AMEND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY IN RELATION TO THE CODE OF ETHICS

APPROVED AS TO FORM

Majority Counsel

Passed by the Nassau County Legislature on July 10, 2017
Voting: Ayes: 18, Nays: 0, Abstained: 0
Became a law on July 11, 2017 with the approval of the County Executive

WHEREAS, the residents of Nassau County are entitled to the highest degree of conduct and accountability on the part of County officers and employees; and

WHEREAS, the standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York; NOW THEREFORE

BE IT ENACTED, by the County Legislature of the County of Nassau as follows:

Section 1. §2218 of the County Government Law of Nassau County is amended as follows:

§2218. **Code of Ethics.**

1. Definitions.

“Agency” shall include any agency, Board, bureau, commission, department or other similar entity of the County.

“Appear” shall mean to make a communication in any form, personally or through another person, including, but not limited to, by letter, by telephone, by e-mail or by facsimile, on behalf of a person or entity from whom one receives income or compensation.

"Board" shall mean the Nassau County Board of Ethics.

"County officer or employee" shall include the officers and employees of any agency of the County, as defined herein, in addition to any officer who is appointed, pursuant to law, by the County to serve any other entity unless such person is subject to the Public Officers Law and the oversight of the State Ethics Commission or is otherwise exempt from the local ethics code.

"Financial Interest" shall mean (i) a foreseeable direct or indirect pecuniary or material benefit accruing to a County officer or employee as a result of a financial or business dealing with the County; (ii) an ownership interest in any entity, except a publicly-traded corporation of which the County officer or employee owns less than five percent of the outstanding stock; or (iii) a position as officer, director, trustee, or partner of an entity. For the purposes of this section, the financial interests of an officer or employee's spouse, domestic partner, minor children and dependents shall be deemed financial interests of such officer or employee; provided, however, that a County officer or employee shall not be deemed to have a financial or other private interest in the employment, by the County, of his or her spouse, domestic partner, minor child or dependent.

"Ministerial act" shall mean an administrative act, including the issuance of a license, permit or other permission by the County, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

"Relative" shall mean mother, father, son, daughter, sister, brother, stepmother, stepfather, stepson, stepdaughter, aunt, uncle, cousins in the first and second degree of consanguinity, domestic partner, mother-in-law, father-in-law, sister-in-law, brother-in-law and grandparents.

2. Conflicts of Interest Prohibited

a. Except as provided in subdivision twelve of this section, no County officer or employee whether paid or unpaid, shall:

- (1) Have a financial interest, except by operation of law, in any business or professional dealings with the County or any agency thereof or a financial interest in any entity which has business or professional dealings with the County.
- (2) Participate as attorney, agent, broker, representative or employee in a business or professional transaction with, or lawsuit against, the County or any agency thereof for any person or entity directly or indirectly in any manner whatsoever or fail to ensure that adequate measures are taken to prevent his or her participating in any manner in any such transaction where a law firm or other entity in which such person is an owner, member or employee becomes

involved as attorney, agent, broker or representative in such a transaction with, or lawsuit against, the County.

- (3) Accept or retain other employment, engage in any business transactions, make or retain any investments, have any financial interest, or engage in other activities that directly or indirectly create a conflict with his or her official duties.
 - b. A County officer or employee shall not appear before any agency or officer of the County except on behalf of the County, provided, however, that for County officers or employees serving in an unpaid capacity, this prohibition shall apply only to appearances before the agency served by such officer or employee.
 - c. No County officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter that is before the agency served by such officer or employee, or any agency over which he or she has supervisory control or to which he or she has the power to appoint any member, officer or employee.
 - d. No legislator, during his or her term and for a period of two years from the expiration of the term to which he or she was elected, shall engage in any employment as a lobbyist on behalf of any person, firm, corporation or association doing business with the County.
3. Gifts and Favors. No officer or employee of the County, whether paid or unpaid, shall accept gifts aggregating to seventy-five dollars (\$75.00) or more during a twelve-month period, nor solicit any gift of any value, whether in the form of services, loan, thing or promise of any other form, from any one person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business or professional dealings with the County or any agency thereof. For purposes of this subdivision, the value of a gift of a ticket or comparable authorization entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket or the cost of entrance to the general public, notwithstanding the fact that part of the cost of attending is a tax-deductible or political contribution.
4. Recusal and Disclosure of Interest.
 - a. A County officer or employee, whether paid or unpaid, shall promptly recuse himself or herself from acting on any matter before the County in which he or she has (i) any direct or indirect financial or (ii) any other private interest that a reasonable person would perceive to compromise his or her ability to make impartial judgments or take discretionary actions in the best interests of the County.
 - b. Any County officer or employee who recuses himself or herself pursuant to paragraph (a) of this subdivision shall be required to disclose such recusal in writing to the Board and the nature of his or her private interest. The Board shall file and retain such disclosure as a public record. The Board may issue an opinion in response to such

disclosure, request additional information related to the disclosure, give advice by letter or informal communication, or file the disclosure with no response. Neither the disclosure nor any response by the Board shall be confidential.

- c. Where a County officer or employee has, or acquires an interest in any existing or proposed legislation, contract, purchase agreement, lease agreement, use and occupancy agreement, or other agreement with the County, the officer or employee shall disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board as soon as he or she has knowledge of the actual or prospective interest.
5. Disclosure of Confidential Information. No officer or employee of the County, whether paid or unpaid shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
 6. Misuse of County resources. No officer or employee of the County shall use the resources of the County in furtherance of his or her business, professional or political interests or activities, or in furtherance of the interests or activities of any outside entity other than pursuant to a County contract with such entity, without the approval of the head of his or her agency and the approval of the Board of Ethics upon a finding by the Board that such activity is in furtherance of the interests of the County.
 7. Hiring and supervision of relatives. No officer or employee of the County shall hire or induce others to hire a relative of such officer or employee nor shall any officer or employee of the County directly supervise or evaluate the work of any relative employed by the County except: a) as required by the Civil Service Law or rules promulgated thereunder; b) pursuant to a supervisory arrangement that began prior to the effective date of this subdivision; or c) with the written approval of the Board of Ethics. In determining whether to approve the request of an officer or employee to hire or supervise a relative, the Board shall consider, among other things, the nature of the relationship at issue and any steps that have been taken to ensure objectivity in any such hiring decision, salary determination, evaluations, recommendations for promotions and increases and other aspects of a supervisory relationship. Neither such request for Board approval nor the determination of the Board shall be confidential. Nothing in this subdivision, nor any approval issued by the Board pursuant to this subdivision, shall relieve an employee of the continuing requirement to exercise his job duties in the best interests of the County, without giving raises, promotions or other beneficial terms or conditions of employment based on private interests or personal relationships, and the Board may continue to enforce such requirement, as it deems appropriate, whether or not it has approved the hiring or supervision of a relative.
 8. Post-employment restrictions.
 - a. No person who has served as a paid officer or employee of the County shall, within a period of two years after the termination of such service or employment, appear before

any Board, agency, officer or employee of the County, except on behalf of the State, or a political subdivision or instrumentality thereof, or in furtherance of the interests of the County with the approval of the Board upon application of a County agency. No person who has served as an unpaid officer or employee of the County shall, within a period of two years after the termination of such service or employment, appear before his or her former agency or the officers or employees thereof, except on behalf of the State, or a political subdivision or instrumentality thereof, or in furtherance of the interests of the County with the approval of the Board upon application of a County agency.

- b. No person who has served as a paid or unpaid officer or employee of the County shall receive compensation or render any services in relation to any case, proceeding, application or particular matter which such person was directly concerned with, personally participated in, or actively considered during the period of his or her service or employment, except in furtherance of the interests of the County with the approval of the Board upon application of a County agency. A former officer or employee is also required to ensure that adequate measures are taken to prevent his or her participating in any manner in such particular case, proceeding, application or particular matter if a law firm or other entity in which such person is an owner, member or employee becomes involved with any aspect of such particular case, proceeding, application or particular matter
 - c. No former paid or unpaid officer or employee of the County shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
9. Pecuniary interest of officers, employees or agents in execution of contracts prohibited. No officer, employee or agent of the County, whether he or she be such by election, appointment or contract shall directly or indirectly, either on his or her own behalf or for another person or corporation, make or participate in making, including the preparation of specifications or plans for, any contract or agreement in which said officer or employee or agent is interested directly or indirectly as principal or agent or as an officer of or owner of stock in a corporation, nor shall an officer, employee or agent in any way influence the action of any other officer or employee or agent in relation to the making, or fail to recuse him or herself from the discussion and approval process of any County contract or agreement in which he or she has such an interest. In addition to other penalties that may be imposed by the Board as set forth in this Code, if any such officer or employee or agent shall willfully violate the provision of this section, such contract or agreement shall be voidable, and such officer or employee or agent shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment or agency and shall be further punished by a fine of not more than one thousand dollars or by both such fine and imprisonment. The provisions of this section shall not apply to the making of a contract with the County to serve as a foster parent or to act as a physician for any County department or agency or to any ministerial acts taken by a County officer, employee or

agent. Further, the provisions of this section shall not preclude a contractor or a contractor's officers and employees from advocating for or participating in the drafting of extensions, renewals or amendments of its own contract with the County nor preclude a contractor from assisting the County with the drafting of specifications upon request of a County agency.

10. Board of Ethics.

- a. There shall be a Board of Ethics consisting of five members, four (4) of whom shall be appointed by the County Executive, subject to the confirmation of the County Legislature, all of whom shall reside in the County and who shall serve without compensation, not more than two (2) of whom shall be members of the same political party, and the County Attorney. The members of the Board shall elect a chairperson. Except for the County Attorney, each member shall serve for a term of five (5) years.
 - i. With the exception of the County Attorney, no person, while serving as a member of the Board, shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office, appear as a lobbyist before the County or make a contribution to any County elected official or candidate for County office.
 - ii. Any vacancy occurring on the Board other than by expiration of a term shall be filled by nomination of a successor within sixty (60) days of the creation of the vacancy. The County Legislature shall act on such nomination within sixty (60) days of the filing of the appointing resolution in the Office of the Clerk of the Legislature.
 - iii. Three (3) members of the Board shall constitute a quorum, and the Board shall have the power to act by a vote of three (3) members.
 - iv. The members of the Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- b. The Board shall have the authority to investigate complaints of actions in violation of this section or may initiate an investigation by a majority vote of the Board. The results of any such investigation may be shared, in the discretion of the Board, with necessary and appropriate County officers and law enforcement officials. In furtherance of this investigatory function, the Board may request that the Commissioner of Investigations use the power and resources of his or her office to assist the Board.
- c. The Board shall develop written guidelines as to the procedures it shall follow in the investigation and determination of a complaint. Such guidelines shall be included in a webpage on the Official Website of Nassau County.
 - i. In the course of an investigation and complaint, all procedural protections, rights to representation or counsel and due process contained in Civil Service Law Section 75 shall be afforded to all officers or employees and Section 75 rules and procedures shall

control regardless of the eligibility of the officer or employee under the Civil Service Law.

- d. The Board also shall render advisory opinions with respect to this section, such opinions to be rendered only to an officer or employee or former officer or employee requesting advice relative to himself or herself, or to the head of a County agency, to the County Executive or to a Legislator. All requests for opinions must be submitted to the Board in writing. Such opinions shall be rendered, if practicable, within forty-five (45) days of the receipt by the Board of the written request. If more than forty-five (45) days are required to issue the requested opinion, the Board shall notify the individual making the request and inform that individual of a date upon which the opinion shall be rendered. In addition, the Board shall notify any individual requesting an advisory opinion if it is unable to provide the requested opinion within forty-five (45) days. Such notification shall contain sufficient detail as to the reasons the Board is unable to render an opinion, and shall request additional information if necessary to allow it to render an opinion. The Board may decline to issue an opinion when (a) the request inquires about the propriety of conduct of a person other than the requester; (b) the subject of the request is a person other than the requester; (c) the request raises an abstract or hypothetical question. The Board shall only disclose and distribute opinions to the person duly requesting it. However, where an advisory opinion is issued and the person who is the subject of the opinion fails to adhere to the guidance of an opinion that has been disclosed to him or her, such violation may, in the discretion of the Board, be disclosed to the head of such person's agency or the necessary and appropriate County officers or law enforcement officials, subject to the provisions in subdivision 11 herein. Notwithstanding the provisions of this paragraph, all such advisory opinions issued by the Board either prior to or subsequent to the effective date of this local law may be issued with the names and other identifying information redacted and such advisory opinions issued with appropriate redactions shall be made available to the public to the extent the Board determines that identities can be meaningfully protected. Opinions may also be issued and disclosed without the names redacted with the permission of any person who will be identified. Whenever a request for access to an advisory opinion is received, the officer, employee or appointed official who requested the rendering of the advisory opinion shall be notified of the access request by written notice to be mailed within seventy-two (72) hours of the receipt by the Board of Ethics of the request for access.
- e. In lieu of a formal request for opinion, a County officer or employee may, at any time, submit to the Board an informational letter concerning his or her outside interests or activities whether or not such interests or activities appear to pose an explicit conflict of interest under this Code. Such an informational letter may also be submitted by an officer or employee concerning the outside interests or activities of someone to whom the officer or employee intends to make an offer of County employment or by a former County officer or employee. The Board shall file and retain such informational letter as a public record. The Board may issue an opinion in response to the informational letter, give advice by letter or informal communication, or file the informational letter with no response. Neither the informational letter nor any response by the Board shall be confidential.

- f. The Board shall promulgate its own rules and regulations concerning its forms and procedures and shall maintain appropriate records of its opinions and proceedings.
- g. The Board shall administer and enforce the provisions of Section 22-4.3(c) of the Nassau County Administrative Code relating to the filing of financial disclosure forms and financial disclosure requirements by County officials, officers and employees. The Board may delegate to any County officer the duty to distribute, collect and review financial disclosure forms and otherwise administer and enforce section 22-4.3 of the Nassau County Administrative Code relating to financial disclosure; provided, however, that such officer may not impose penalties but may make recommendations to the Board regarding the imposition of penalties for violations of section 22-4.3.
- h. The Board shall have the responsibility of informing County officers and employees and assisting their understanding of conflicts of interest requirements set forth by this Code and shall provide ethics training, guidance documents, seminars and education to Nassau County's officers, employees, departments, boards and commissions. Such training may be on the request of a particular department on a particular subject or subjects or upon the Board's own initiative and recommendation. The Board may conduct in person training and/or may utilize interactive on-line, web-based technologies in furtherance of this section.
- i. The Board shall develop and update as necessary written ethics guidelines based on this Code of Ethics that shall be provided to all employees hired after the effective date of this Local Law. Each employee hired after the effective date of this Local Law shall sign a statement that they received the guidelines and that they must abide by all rules and requirements contained therein. Such statement shall be maintained in the employee's personnel file.
- j. The Board shall include a webpage on the Official Website of Nassau County containing guidance documents, web based instructional and educational resources, and any forms necessary to seek advisory opinions or to file an ethics complaint.
- k. The Board shall prepare and submit a report to the County Executive and the County Legislature no later than March 1 each year, summarizing the activities of the Board during the preceding calendar year.
- l. The Board shall meet at least once a quarter, may schedule additional meetings as necessary, and shall prepare and submit to the County Executive and the County Legislature a schedule of its meeting no later than February 1 each year. Such schedule shall be posted on the Official Website of Nassau County.
- m. The Board may make recommendations to the Nassau County Legislature with respect to the County Code of Ethics. The Board, upon its own formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the

Board shall be filed with the Clerk of the Legislature and posted to the Official Website of Nassau County within ten days of their adoption.

11. Penalties. A violation of any of the provisions of this section shall constitute cause for forfeiture of pay, suspension, imposition of fines of up to \$10,000 per violation or removal from office or employment, as may be imposed by the Board, after providing an opportunity to be heard in a proceeding conducted in accordance with due process. Any person found to have violated any such provision may file with the Board within seven days of such finding a written notice indicating his or her intent to commence a proceeding to review the determination pursuant to article seventy-eight of the civil practice laws and rules. Upon receipt of such notice, the Board shall stay the imposition of any penalty imposed pursuant to this subdivision until the commencement of the article seventy-eight proceeding. Resignation or dismissal from County employment shall not bar the imposition of penalties under this section for violations of the Code that occurred during the period of employment. Penalties may also be imposed under this section on a former employee for violations of the postemployment restrictions. The County Attorney shall provide for appropriate reporting and other services in relation to any such proceeding. Nothing in this section shall limit the imposition of any other penalties, fines and/or other sanctions which may be provided by law or prevent the County Executive or other appropriate supervisory officer from taking disciplinary action based on the findings of a separate inquiry or investigation.

12. Exemptions.

- a. No employee may have any interests or take any action prohibited by subdivisions two through six of this section without the approval of the Board; provided that the provisions of this section shall not prohibit, or require recusal or transactional disclosure as a result of:
 - (1) An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States.
 - (2) A ministerial act.
 - (3) Gifts:
 - (A) received by the County officer or employee from his or her parent, spouse or child; or
 - (B) accepted on behalf of the County and transferred to the County.
 - (4) Gifts or benefits having a reasonable value that are received by a County officer or employee listed in section 11 of the Domestic Relations Law for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
 - (5) Awards from charitable organizations

- (6) Receipt of County services or benefits, or use of County facilities that are generally available on the same terms and conditions to residents or a class of residents in the County.
- (7) County officers or employees appearing or practicing before the County or receiving compensation for working on a matter before the County after termination of their County service or employment where they performed only ministerial acts while working for the County or where they are appearing in an official capacity as an officer or employee of another governmental entity.
- (8) Former County officers or employees appearing before the County where such appearances are a necessary incident of an otherwise permitted representation or employment in relation to an adjudicative proceeding before an agency or body, or a court other than an agency, Board or commission of the County.
- b. Notwithstanding the foregoing provisions of this section, any textbook authored by a member of the faculty as Nassau Community College may be sold at the college and a royalty or other financial remuneration may be paid to such author, provided the sale of such a faculty authored textbook shall be made in accordance with the rules and regulations promulgated by the Board of Trustees of the college.
- c. Notwithstanding the foregoing provisions of this section, a County officer or employee may be an officer, director or trustee of a membership corporation or other nonprofit corporation or association, public authority, or public benefit corporation, or hold a policy making position with such entity, and participate in all activities and transactions of such entity, provided he or she receives no financial remuneration either directly or indirectly from such entity other than expenses actually and necessarily incurred in the performance of his or her duties. Any officer or employee receiving such remuneration for expenses shall, for each year in which such remuneration is received, be required to complete and file the financial disclosure statement promulgated pursuant to the provisions of §22.4.3 of the Administrative Code. A County officer or employee serving a membership corporation or other nonprofit corporation or association pursuant to this paragraph, other than in an ex-officio capacity, shall recuse himself or herself from acting, in his or her capacity as County officer or employee, on any matters directly affecting such entity, shall not use any confidential County information nor, without the approval of the Board, communicate with any County Board, agency, officer or employee in furtherance of the interests of such corporation or entity nor work on any case, proceeding, application or particular matter which such person has been directly concerned with, personally participated in, or actively considered as a County officer or employee.
- d. Notwithstanding the foregoing provisions of this section, a person serving the County or any agency thereof without compensation shall not be subject to the prohibitions set forth in subparagraphs one and two of paragraph (a) of subdivision two of this section.

- e. Nothing in this section shall be deemed to prohibit an officer or employee of the County from providing services to a local development corporation, public authority, public benefit corporation, or similar entity as may be determined by the Board, where such services are provided pursuant to law or contract between the County and such entity, and the officer or employee does not receive additional compensation for such services. Such service shall not be deemed to be a private interest of such officer or employee nor to create a conflict with official duties.
- f. Notwithstanding the foregoing provisions of this section, an officer or employee of the County shall not be deemed to be in violation of paragraph (a) of subdivision two of this section for making a contract with the County to serve as a foster parent unless the making of such contract is in conflict with the proper discharge of his or her official duties.
- g. Notwithstanding any other provision of law, an elected official or a deputy county executive may attend a function given by a civic association or nonprofit organization of a charitable or community nature, when invited and paid for by the sponsoring organization, or attend a function of an association composed of representatives of business, labor, professions or the news media, when invited and paid for by the sponsoring organization. In addition, a staff member may be designated to attend any such functions as a representative of an elected official when specifically requested to do so by the elected official.
- h. Notwithstanding any other provision of law, an elected official or a deputy county executive may be a guest at ceremonies or functions sponsored or encouraged by the County as a matter of County policy. In addition, a staff member may be designated to attend any such ceremonies or functions as a representative of an elected official when specifically requested to do so by the elected official.
- i. Notwithstanding any other provision of law, an officer or employee may be a guest at any ceremony, function, conference or occasion where the attendance of the public servant is in furtherance of the interests of the County, where the attendance has been approved in writing, in advance where practicable or within a reasonable time thereafter, by the County Executive or a deputy county executive, or in the case of the Legislature by the Presiding Officer or the Minority Leader, in the case of all offices of elected officials by said elected official or their designated officer, in the case of the Office of Legislative Budget Review by the Director of said office and in the case of the Clerk of the Legislature by the Clerk of the Legislature.

13. No officer, employee, independent contractor, vendor, or consultant shall intentionally induce any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code.

14. Distribution of Code of Ethics. Within thirty days of the effective date of this chapter, the Board of Ethics shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the County, and shall further cause a copy of this Local Law

to be added as a webpage on the Official Website of Nassau County. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of County employment.

§2. Section 22-4.3 is amended as follows:

§ 22-4.3 Financial Disclosure.

1. DEFINITIONS. As used in this section:

(a) The term "county" shall mean Nassau County.

(b) The term "elected official" or "elective office" shall mean an elected official or an elective office of the County and shall include the members of the County Legislature.

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

(1) the heads (other than elected officials) of any department, agency, board or commission of the County and their deputies and assistants;

(2) the officers and employees of such County departments, agencies, boards or commissions who hold policy-making positions, as annually determined by the Board of Ethics and set forth in a list that shall be filed with the Clerk of the Legislature on or about February 15th of each year and as ratified or modified by the County Legislature in the manner set forth in section 22-4.3(4)(c) of this act.

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

(e) 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.

(f) The term "political party official" shall mean any chairman of a county, city, town or village committee elected pursuant to the election law or designated by the rules of a county, city, town or village political committee as the "County Leader" or "Chairman of the Executive Committee," city leader, town leader, village leader or by whatever title designated, pursuant to the rules of such county, city, town or village committee or, in actual practice, possesses or performs the principal political executive and administrative functions of said county, city, town or village committee or has the power of general management over the affairs of such county, city, town or village committee or the power to exercise the powers of the chairman of such county, city, town or village committee in accordance with the rules of such county, city, town or village committee.

(g) 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.

(h) 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.

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

2. FINANCIAL DISCLOSURE STATEMENT REQUIREMENTS.

(a) Every elected official, officer or employee, political party official, and every candidate for county elected official, in office or employ on or after February 15th of any year, including, but not limited to, those set forth in subdivision 4 of this section, shall file an Annual Statement of Financial Disclosure containing such information and in such form as is set forth in subdivision 3 of this section. 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 county elective office who file designating petitions for nomination at a primary election, shall file a financial disclosure statement fourteen days after the last day allowed by law for the filing of designating petitions naming said candidates for the next succeeding primary election;

(4) Candidates for independent nomination for county elective office who have not been designated by a party to receive a nomination, shall file a financial disclosure statement within fourteen days after the last day allowed by law for the filing of individual nominating petitions naming said candidates as candidates for county elected official, including elected official on the Board of Supervisors, in the next succeeding general or special election; and

(5) Candidates for county elective office, who receive the nomination of a party for a special election shall file a financial disclosure statement within fourteen 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 Nassau County Board of Ethics, the repository for such statements.

(d) The Nassau County Board of Ethics shall obtain from the Nassau County Board of Elections lists of all candidates for county elective office and from such lists, shall determine and publish lists of those candidates who have not, within ten 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 May 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, with the Nassau County Board of Ethics on or before the filing deadline provided in section seventy-three-a of said law, a copy of the financial disclosure statement filed pursuant to said section seventy-three-a notwithstanding the filing deadline otherwise imposed by this subdivision.

(g) A person who is subject to the filing of annual financial disclosure statements for 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 Nassau County 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 Nassau County 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 the time limit for filing specified in this subdivision.

(h) A county elected official who is simultaneously a candidate for the same, or any other, county elective office, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds such county elected office.

(i) A candidate whose name will appear on both a party designating petition and on an Independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

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3. The annual statement of financial disclosure shall contained the following information and shall be in the form set forth below:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR
THE COUNTY OF NASSAU
FOR THE YEAR _____

1. NAME AND ADDRESS

Last Name	Middle Initial	First Name
Title		
Department or Agency		
Department or Agency Address		Telephone Number
Residence Address		Telephone Number

2. SPOUSE AND DEPENDENT CHILDREN

Spouse	Child/Age
Child/Age	Child/Age

NOTE: FOR QUESTIONS 3 TO 6, DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:

- 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
- CATEGORY F: OVER \$250,000

3. FINANCIAL INTERESTS

- a. *Business Positions.* List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you or your spouse or dependent

children, if any, during the reporting year* and indicate whether these businesses have dealings with the County of Nassau in any manner.

Name of Family Member	Position	Organization	County Department or Agency and Nature of Involvement

b. *Outside Employment.* Describe any outside occupation employment, trade, business or profession providing more than \$2,500 during the reporting year for you or your spouse or dependent children, if any, and indicate whether such activities are regulated by any state or local agency.

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount

c. *Future Employment.* Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your County office or position.

* The "reporting year," as used throughout this form, means the calendar year, from January 1 to December 31, preceding the year in which this report is required to be filed.

- d. *Past Employment.* Identify the source and nature of any income you have received in excess of \$2,500 during the reporting year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount

- e. *Investments.* Itemize and describe all investments in excess of \$5,000 or five percent of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, held by, or for, you or your spouse during the reporting year. list the location of all real estate within the County or within five miles thereof, in which you or your spouse have an interest, regardless of its value.

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount

- f. *Trusts.* Identify each interest in excess of \$2,500 held by you in a trust or estate or similar beneficial interest, if reasonably ascertainable, except for IRS eligible retirement plans or interests in an estate or trust of, or for, a relative. Do not list any IRS eligible retirement plan or deferred compensation plan.

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category Of Amount

g. *Other Income.* Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including teaching income, lecture fees, honoraria, consultant fees, contractual income, or other income of any nature, received by you or your spouse.

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. GIFTS AND HONORARIA

List the source of all gifts in excess of \$1,000 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honoraria, and any other payments that are not reportable as income. Do not list campaign contributions.

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. THIRD-PARTY REIMBURSEMENTS.

Identify and describe the source of any third-party reimbursement for travel related expenditures in excess of \$1,000 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact-finding events that relate to your official duties. Do not list campaign contributions.

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. DEBTS.

Describe all your debts and those of your spouse in excess of \$5,000. Do not include: debts to relatives, debts incurred in the ordinary course of your trade, business or professional practice or that of your spouse; obligations to pay maintenance in a matrimonial action, alimony or child support payments; revolving charge accounts under \$5,000; any loans issued in the ordinary course of business by a financial institution to finance education costs, the cost of home purchase or improvements for a primary or secondary residence or purchase of a personally owned motor vehicle, household furniture or appliance.

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. INTEREST IN CONTRACT'S.

Describe any interest you, your spouse, or your dependent children have in any contract involving the County or any village, town or municipality located within the County.

Name of Family Member	Contract Description
_____	_____
_____	_____
_____	_____

8. POLITICAL PARTIES.

List any position you held within the past five years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization

that is affiliated with or a subsidiary of a political party.

Signature

Date

4. Persons Required to Report.

The Annual Statement of Financial Disclosure, as provided in subdivision 3 of this section, shall be completed and filed with the Nassau County Board of Ethics on or before May 15 of each year, pursuant to rules and regulations to be promulgated by such Board of Ethics, and such Financial Disclosure Statement shall be filed by the following:

(a) County elected officials.

(b) County officers and employees, as defined in section 22-4.3(1)(c) of this act, including members of boards or commissions who receive compensation other than reimbursement for expense incurred in the performance of their duties. The Board of Ethics shall determine annually which officers and employees hold policymaking positions and shall file a copy of the final list with the clerk of the County Legislature by February 15. The County Legislature shall adopt a resolution either ratifying or modifying the list of such officers and employees at its next scheduled regular meeting no less than thirty days after such filing by the Board of Ethics, provided that if the Legislature does not adopt such a resolution the list filed by the Board of Ethics shall be deemed ratified. The Board shall base its determination on Board of Ethics' Resolution No. 1-1991 and any subsequent resolution adopted by the board.

(c) Members of boards or commissions who hold policymaking positions, as determined by the Board of Ethics in accordance with the provisions of subdivision (c) above, and who do not receive compensation for their services from the County other than reimbursement for expenses incurred in the performance of their duties; provided, however, that the Board of Ethics may approve for some or all such unpaid positions an adapted disclosure form or forms setting forth such disclosure requirements as the Board determines appropriate, taking into consideration the nature and functions of such positions and the guidelines contained in Resolution No. 1-1991 and any subsequent resolution adopted by the Board.

(d) County Officers and employees who have applied for and received Board of Ethics approval in accordance with §2218(12)(c) of the Charter.

(e)

(1) Any County officers and employees serving in an office or title or classification set forth below by County department, division or agency, which office, title or classification shall include, but not be limited to:

ASSESSMENT

Chief Deputy Assessor Deputy
Assessor
Deputy Director Real Property Tax Services

ASSESSMENT REVIEW

Commissioner
Secretary

BOARD OF ELECTIONS

Assistant to Commissioner
Chief Clerk
Chief Election Officer
Chief Registrar
Commissioner
Counsel to Commissioner
Deputy Chief Election Officer
Deputy Commissioner
Executive Assistant to Commissioner
Executive Secretary
Senior Election Officer
Supervisor of Maps and Canvas

LEGISLATURE

Legislator
Legislative Budget Analyst
Majority Counsel
Staff Director for Finance
Chief of Staff
Deputy Press Secretary
Press Secretary
Staff Counsel for Majority
Executive Director to Minority
Minority Counsel
Administrative Director
Legislative Assistant
Procurement Supervisor to the Legislature
Clerk to the Legislature
Deputy Clerk to the Legislature

CIVIL SERVICE

Assistant Secretary and Chief Examiner
Chair of Civil Service Commission
Civil Service Physician
Commissioner of Civil Service

Secretary and Chief Examiner

COMMUNITY COLLEGE

BOARD OF TRUSTEES

- Chair
- Student Trustee
- Trustee

CABINET MEMBERS

- Member
- President

ADMINISTRATION/OFFICERS

- Assistant to President
- Associate Vice President
- Director of Human Resources
President

DEPARTMENT CHAIRS

PROMOTION AND TENURE COMMITTEE

- Chair
- Member

CONSUMER AFFAIRS

- Assistant to Commissioner of Consumer Affairs
- Commissioner of Consumer Affairs
- Deputy Commissioner Consumer Affairs

COUNTY ATTORNEY

- Chief Deputy County Attorney
- Chief Investigator
- Chief Real Estate Negotiator
- County Attorney
- Deputy County Attorney

COUNTY CLERK

- Deputy County Clerk

COUNTY COMPTROLLER

- Deputy Comptroller

COUNTY EXECUTIVE

- Chief Deputy County Executive
- Chief of Staff
- Counsel to County Executive

- Deputy County Executive
- Director of Communications
- Office Supervisor
- Press Secretary
- Special Assistant

C.A.S.A.

- Director
- Deputy Director

COMMISSIONER OF INVESTIGATIONS

- Assistant to Commissioner
- Commissioner
- Deputy Commissioner
- Deputy Director
- Director of Community Services
- Executive Director

MANAGEMENT AND BUDGET

- Deputy Director of the Budget
- Director of the Budget

HUMAN RESOURCES

- Director of Human Resources
- Deputy Director
- Administrative Director
- Directory for Compliance and EEO

PHYSICALLY CHALLENGED

- Director

TRAFFIC & PARKING VIOLATIONS AGENCY

- Executive Director

VETERANS SERVICE AGENCY

- Director of Veterans Service Agency

HUMAN SERVICES

- Director
- Executive Director, Nassau County Youth Board
- Commissioner of Drug and Alcohol Addiction
- Deputy Commissioner, Drug and Alcohol Addiction
- Deputy Director, Drug Enforcement-Info Clinic
- Director Drug Enforcement-Info Clinic
- Physician

COUNTY TREASURER

- County Treasurer

- Deputy County Treasurer

DISTRICT ATTORNEY

- Assistant District Attorney
- Chief Investigator
- Deputy Chief Investigator
- Public Information Officer

FIRE MARSHAL

- Assistant
- Fire Marshal

SHARED SERVICES

- Commissioner of Shared Services
- Deputy Director of Purchasing

HEALTH ENVIRONMENTAL QUALITY

- Deputy Commissioner of Health

LABORATORY RESEARCH

- Physician

PERSONAL HEALTH SERVICES

- Deputy Commissioner of Health
- Deputy Commissioner of Health (Physician)
- Resident Physician-Public Health

HOUSING AND COMMUNITY DEVELOPMENT

- Assistant Federal and State Aid Coordinator
- County Housing Coordinator
- Housing Inspector
- Assistant to Director of Community Development
- Deputy
- Director of Community Development

HUMAN RIGHTS

- Assistant Director Commission on Human Rights
- Assistant to Director, Job Development Center
- Director, Job Development Center
- Executive Director, Commission on Human Relations
- Special Assistant-Community Relations
- Special Assistant, Research & Development

MEDICAL EXAMINER

- Assistant to Chief Medical Examiner
- Chief Medical Examiner
- Chief Toxicologist
- Deputy Chief Medical Examiner

- Deputy Chief Medical Examiner for Administration
- Deputy Medical Examiner
- Deputy Medical Examiner Forensic

MENTAL HEALTH

- Commissioner of Mental Health
- Deputy Commissioner Community Mental Health Services
- Deputy Commissioner of Mental Health

OFFICE OF LABOR

- Assistant Director
- Assistant to Director
Commissioner
- Deputy Commissioner
- Director
- Director Bureau of Apprenticeship, Training and Special Placements

POLICE

- Assistant to Commissioner
- Commissioner
- Police Surgeon
- Public Information Officer

PROBATION

- Deputy Director
- Director

PUBLIC ADMINISTRATOR

- Deputy Public Administrator
- Public Administrator

PUBLIC WORKS

ADMINISTRATION

- Assistant Commissioner of Public Works-Water Conservation
Program
- Assistant to Commissioner
- Assistant to Commissioner Public Works Capital Programs
- Assistant to Deputy Commissioner
- Commissioner Public Works
- Director of Planning

COUNTY ROAD MAINTENANCE

- Deputy Commissioner Public Works

SANITATION

- Sewer Maintenance Superintendent
- Superintendent of Buildings
- Superintendent of Sewage Plants

RECREATION AND PARKS

Commissioner

Deputy Commissioner

SENIOR CITIZEN AFFAIRS

Commissioner

Deputy Commissioner

SHERIFF

Assistant Warden

Commissioner of Corrections

Deputy Undersheriff

Sheriff

Undersheriff

Warden

SOCIAL SERVICES

Commissioner

Physician

(2) In addition to the foregoing, any County officers and employees serving in the titles set forth below:

Administrative Officer I

Administrative Officer II

Assistant Director, Children's Shelter

Assistant Director of Data Processing

Assistant Director of Laboratories and Research

Assistant Nursing Home Administrator I

Assistant Parks Maintenance Superintendent

Assistant Secretary and Chief Examiner

Assistant Superintendent of Highway Maintenance

Attorney I

Attorney II

Attorney III

Chief Clerk, Board of Assessors

Chief Investigator

Chief Real Estate Negotiator

Civil Service Physician

Clerical Assistant Assigned to Office of President of Community College

Clerk Steno IV-Secretary to Commissioner Health
Confidential Assistant to Deputy Comptroller
Confidential Assistant to Director of Probation
Coordinator, Senior Citizen Minority Services
Coordinator, Senior Citizen Planning and Research
County Director of Accounting
County Director of Safety
Deputy Director of Probation
Director, Bureau of Building Services
Director, Bureau of Purchase and Contract Administration
Director of Environmental Programs
Director of Bureau of Real Estate & Insurance
Director of Children's Services
Director of Children's Shelter
Director of County Museums
Director of Data Processing
Director of Environmental Construction
Director of Environmental Engineering
Director of Environmental Health Laboratory
Director of Environmental Operations
Director of Family Services
Director of Management Analysis I
Director of Management Analysis II
Director of Medical Social Services
Director of Nursing I
Director of Nursing II
Director of Nursing III
Director of Office Services I
Director of Probation
Director of Protective Services for Children
Director of Public Health and Social Work
Director of Safety and Security Services
Director of Traffic Safety Board
Director of Veteran Service Agency
Director, Traffic Engineering
Executive Assistant
Field Audit Director
Fire Marshal
Intensive Case Manager I
Intensive Case Manager II
Library Director V
Manager of Energy Development and Control
Mental Health Research Director
Mosquito Control Superintendent
Office Services Supervisor, Department of Drug & Alcohol

Parks Maintenance Superintendent
Personnel Services Supervisor, Department of Drug & Alcohol
Personnel Specialist IV
Personnel Specialist V
Personnel Systems Analyst, Probation Dept.
Public Health Administrator II
Public Health Administrator IV
Sanitarian V
Social Services Law Assistant
Special Investigator IV
Superintendent of Building Maintenance
Superintendent of Facilities Planning
Superintendent of Highway Maintenance
Superintendent of Real Estate

- (f) Candidates for County Elected Office
- (g) Political Party Officials

5. PENALTIES

(a) A reporting individual who files an annual statement of financial disclosure after the date for filing provided in this act or in accordance with the Rules and Regulations of the Nassau County Board of Ethics; or who files an incomplete annual statement of financial disclosure; or who knowingly and/or willfully fails to file a complete annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this law may be assessed a civil penalty in an amount not to exceed ten thousand (\$10,000.00) dollars. Assessment of a civil penalty may be made by the Board of Ethics with respect to persons subject to its jurisdiction. The Board of Ethics acting pursuant to the law may impose a civil penalty as aforesaid. Such a violation may also be punishable as a class A misdemeanor regardless of whether a civil penalty is imposed. This section shall not be construed to prohibit or exclude any other remedy, right, or penalty, whether criminal, civil, or administrative, provided by law.

(b) A civil penalty for false filing may not be imposed hereunder in the event of a category of "value" or "amount" reported upon as required by this law is incorrect unless such reported Information is falsely understated.

(c) The Board of Ethics shall be deemed to be an "agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be

identical in terms of scope.

(d) 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.

6. ADDITIONAL POWERS OF THE BOARD OF ETHICS.

The Board of Ethics as governed by section 2218 of the Nassau County Charter shall continue and shall have and exercise such additional powers and duties as are set forth below:

(a) Appoint an executive director, general counsel either by hire or contract, and such other staff as are necessary to carry out its duties under this section who shall act in accordance with the policies of said board. Said board may delegate authority to the executive director to act in the name of said board between meetings of said board provided such delegation is in writing and the specific powers to be delegated are enumerated.

(b) The executive director, general counsel, and support staff shall not be part of the Office of the County Attorney and shall not be supervised by the Office of the County Attorney, however the resources of the Office of the County Attorney shall be available to all Board staff in support of the execution of their duties. The Board, its staff and funding shall be treated as a separate agency for the purposes of presentation and adoption in the annual County operating budget.

(c) Adopt, amend, and rescind rules and regulations to govern procedures of said board which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with said board may request an additional period of time within which to file such statement due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time may be granted. Said board may utilize or modify such rules or regulations or adopt separate rules or regulations for the purposes set forth in paragraph (d) of subdivision one of section eight hundred eleven of the General Municipal Law.

(d) Promulgate guidelines to assist the County Legislature in determining which persons may be deemed to hold policy-making positions for purposes of this section.

(e) Make available forms of annual statement of financial disclosure required to be filed pursuant to this section.

(f) Review completed financial disclosure statements in accordance with the provisions of this section, provided, however, that said 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 said board's delegation.

(g) Receive complaints alleging a violation of the provisions of this section or a violation of the criteria for reporting requirements established by this section.

(h) Permit any person required to file a financial disclosure statement to request said board to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by said board, after denial of a request for deletion made to the Advisory Council on Disclosure as provided in subdivision seven of this section, upon a finding, by a majority of the total number of members of said board without vacancy, that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, said board in its notification of denial, shall inform the person of the right to appeal said board's determination pursuant to its rules governing adjudicatory proceedings and appeals. Said board shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the Advisory Council.

(i) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which Item or items may be exempted by the Board after denial of a request for exemption made to the Advisory Council, upon a finding, by a majority of the total number of members of said board without vacancy, that the reporting individual's spouse, on such spouse's behalf, or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties. If such request for exemption is denied, said board, in its notification of denial, shall inform the person of his or her right to appeal said board's determination pursuant to its rules governing adjudicatory proceedings and appeals. Said board shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the Advisory Council.

(j) Permit any person who has not been determined to hold a policy- making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which said board deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption, where, in the discretion of said board, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(1) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy-three of the public officers' law;

(2) the purchase, sale, rental or lease of real property, goods or services, or a contract therefore;

(3) the obtaining of grants of money or loans; or

(4) the adoption or repeal of any rule or regulation having the force and effect of law.

(k) Act as a repository for or provide by rules and regulations for the filing and retention of completed financial disclosure forms required by this section.

(l) Upon certification of a question by the Advisory Council to said board, as provided in paragraph (k) of subdivision seven of this section, 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 of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section.

(m) The only records of the Board which shall be available for public inspection are:

(1) The information set forth in an annual statement of financial disclosure filed pursuant to law, except the categories of value or amount which shall remain confidential, and any other items of information deleted pursuant to paragraph h of this subdivision of this section, as the case may be;

(2) Notices of Delinquency sent under paragraph (q) of this subdivision;

(3) Notices of Reasonable Cause sent under paragraph (r) of this subdivision; and

(4) Notices of Civil Assessments imposed under this section.

(5) Advisory opinions issued to 2218(10)(c) of the Charter that the Board, in its discretion, concludes can be redacted for the purpose of protecting the subject of said opinion from an unwarranted invasion of personal privacy

(6) Any records that the Board is required to make available for public inspection pursuant to Article 6 of the Public Officers Law

(n) No meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by said board or as required by Article 7 of Public Officers Law.

(o) Said board or the executive director and staff of the Board if responsibility therefore has been delegated, shall inspect all financial disclosure statements filed with said 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 section.

(p) If an individual required to file a financial disclosure-statement with the Board of Ethics has failed to file a financial disclosure statement or has filed a deficient statement, said board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen (15) day period to cure the deficiency, and, advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the

deficiency within the specified time period, said 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.

(q) (1) If a reporting individual has filed a statement which reveals a possible violation of this section, or said board receives a sworn complaint alleging such a violation, or if said board determines on its own initiative to investigate a possible violation, said board shall notify the reporting individual in writing, describe the possible or alleged violation of such law, and provide the person with a fifteen (15) day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If said board thereafter makes a determination that further inquiry is justified, it shall give the reporting individual a copy of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If said board determines at any stage of the proceeding, that there is no violation or that any potential violation has been rectified, it shall so advise the reporting individual and the complainant, if any. All of the foregoing proceedings shall be confidential;

(2) If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a Notice of Reasonable Cause:

(A) to the reporting individual;

(B) to the complainant if any; and

(C) in the case of an officer or employee, to the appointing authority for such person.

(r) A copy of any Notice of Delinquency or Notice of Reasonable Cause sent pursuant to paragraphs (q) and (r) of this subdivision shall be included in the reporting individual's file and be available for public inspection.

(s) Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, said board shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board, until and unless amended or revoked, shall be binding upon 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. Such opinion may also be relied upon by such person and may be introduced and shall be a defense, in any criminal or civil action arising out of this section. Such requests shall be confidential, but the Board may publish such opinions provided that the name of the requesting individual and other identifying details shall not be included in the publication.

(t) In addition to any other powers and duties specified by law, the Board of Ethics

shall have the further power and duty to:

(1) Administer and enforce all the provisions of this section:

(2) Conduct any investigation necessary to carry out the provisions of this section.

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.

7. ADVISORY COUNCIL ON DISCLOSURE

(a) There is established within the Board of Ethics an Advisory Council on Disclosure which shall consist of five members and shall have and exercise the powers and duties set forth in this subdivision, provided that in the absence of such a council, said duties may be performed by the Board of Ethics itself.

(b) The members of said Advisory Council shall be appointed by the County Executive, subject to the confirmation of the County Legislature, all of whom shall reside in the County of Nassau. Of the members appointed, no more than three members shall belong to the same political party and at least two members shall not be public officers or employees, or hold any public office, elected or appointed.

(c) Members of said Advisory Council shall serve for a term concurrent with the term of office of the County Executive.

(d) The members of said Advisory Council shall designate the chairman thereof. The chairman or any three members of said Advisory Council may call a meeting.

(e) Any vacancy occurring on said Advisory Council shall be filled within sixty days of its occurrence, by the County Executive, subject to the confirmation of the County Legislature, in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member succeeded.

(f) Three members of the Advisory Council shall constitute a quorum, and the Advisory Council shall have power to act by majority vote of the total number of members of the Advisory Council without vacancy. Members of said Council may be removed by the County Executive, with the concurrence of the County Legislature, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, inability to discharge the powers or duties of office or violation of this section after written notice and opportunity for reply.

(g) The members of the Advisory Council shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(h) The Advisory Council shall:

(1) Permit any person required to file a financial disclosure statement to request the Advisory Council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals.

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the Advisory Council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Advisory Council, in its notification of denial, shall inform the person of his or her right to appeal the Advisory Council's determination to the Board of Ethics pursuant to the Board of Ethics' rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision six of this section.

(i) Pending any application for deletion or exemption either to the Advisory Council or to the Board of Ethics upon appeal of an adverse determination by the Advisory Council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the Board of Ethics, the reporting individual may request, and upon such request the Board of Ethics shall provide, that any information, which is the subject or part of the application, remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the Board of Ethics, the information shall not be made public and shall be expunged in its entirety.

(j) Notwithstanding the provisions of article seven of the Public Officers Law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision six of this section, shall be open to the public, except if expressly provided otherwise by the Advisory Council.

(k) Where the Advisory Council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will prevent undue repetition of such requests or undue complication, the Advisory Council may certify the question to the Board of Ethics for resolution and disposition in accordance with paragraph (m) of subdivision six of this section.

§3. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§4 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§5. This local law shall take effect immediately.

APPROVED



County Executive

DATE July 11, 2017