

Minutes Nassau County Board of Ethics
- Public Session

Meeting date and place: August 16th, 2018 at 8:00 A.M.
One West Street, Mineola, New York 11501

Board Members Present: Kenneth L. Gartner, Chair
Jared A. Kasschau, County Attorney
Michael Pernick, Member
Christopher Devane, Member
Daniel Palmieri, Member

Board Counsel: Steven G. Leventhal

Also in attendance (Public Session): Two auditors from the Nassau Comptroller
Sean Berman, Accountant II, taking minutes

The meeting was called to order at 8:00 a.m. As the Board of Ethics (“the Board”) had two new members present in Christopher Devane and Daniel Palmieri, round-table introductions were made. Counsel Leventhal provided an overview of some of the main functions of the Board: educating the county workforce, assisting in the avoidance of misconduct through advisory opinions, conducting seminars and training exercises, investigating ethics complaints, among other functions. He also explained that confidentiality is critically important to encourage requests for advice. Independence of the Board has been improved through the appointment of a multi-partisan membership. Counsel Leventhal then described the 3 step analysis used by the Board to base its decisions: Determining if any violations of Article 18 of the General Municipal Law are present, next any violations to the Nassau Code of Ethics, and finally applying any relevant case law or prior renderings. Plain language ethics guides were distributed to the new Board members.

The Board discussed state of the Financial Disclosure program for reporting year 2017. Many disclosure forms were coming in from the District Attorney’s office, as their deadline to file was August 17th, the day following this meeting. The Board also plans on sending out notices to cure in order to collect outstanding forms. County Attorney Kasschau mentioned that an electronic submission system for future reporting years is being tested out by IT.

Counsel Leventhal has drafted an amended Code of Ethics, which is pending an ongoing and in-depth review by the Board before submission to the Legislature.

Michael Pernick motioned to adopt the Board’s Policymaker Guidelines under Resolution 1-2018, seconded by Christopher Devane and passed unanimously (5-0-0).

County Attorney Kasschau motioned to readopt the Adjudicatory Procedures. Michael Pernick seconded the motion, and the matter passed unanimously (5-0-0).

The Board also agreed to set out to codify its practice in response to FOIL requests. Counsel Leventhal will prepare a draft.

An ethics training seminar was tentatively set for October 17th at 8:00 a.m., which will be open to county employees and offer CLE credit. The Board discussed a mandatory session for department heads and members of other County Boards, likely to be held on another date.

Another topic concerned the Board's department webpage. County Attorney Kasschau is reviewing past advisory opinions for redaction to upload to the webpage. Michael Pernick wants to create separate forms for complaints and requests. Counsel Leventhal plans on adding language addressing what constitutes an ethics violation. The Board will also upload the Resolutions passed during this meeting.

County Attorney Kasschau and Counsel Leventhal briefed the Board on an entrance conference with the Comptroller's office, and provided relevant materials to the Board members.

Michael Pernick motioned to re-elect Kenneth Gartner as Chair to the Board of Ethics, seconded by County Attorney Kasschau and passed unanimously (5-0-0).

Finally, the Board arranged to schedule its next meeting, now tentatively set for Monday, September 17th, 2018 at 8:00 a.m., same location.

At 8:58 a.m., County Attorney Kasschau motioned to adjourn to executive session to discuss requests for ethics advice, seconded by Christopher Devane. Motion carries unanimously (5-0-0).

At 10:26 a.m., Michael Pernick motioned to adjourn executive session as well as the meeting, seconded by County Attorney Kasschau. Motion carries unanimously (5-0-0).