

Minutes Nassau County Board of Ethics
- Public Session

Meeting date and place: May 30th, 2018 at 8:00 A.M.
One West Street, Mineola, New York 11501

Board Members Present: Jared Kasschau, County Attorney
Kenneth Gartner, Chair
Michael Pernick, Member

Board Counsel: Steven G. Leventhal

Also in attendance (Public Session): - John Chiara, Deputy County Executive for Compliance
- Sean Berman, Accountant II, taking minutes

Chair Gartner called the meeting to order at 8:02 a.m.

The Board opened the Public Session with an update to this year's financial disclosures. Having passed the filing deadline of May 15th, the Board has taken a preliminary inventory of completed disclosure forms. While there are still files outstanding that need to be collected, the rate of compliance thus far has been strong. Counsel Leventhal delved into the protocols for reviewing disclosure forms, which involves four steps:

- 1) Determine who has filed based on the certified master list, and prepare to contact those who have yet to file
- 2) Review submitted forms for completeness, making sure all sections are filled out properly
- 3) Check for matches to County vendors, inquiring further as necessary
- 4) A general eye test to find potential conflicts

Michael Pernick asked if there was anything to further corroborate the contents of these filings, and if it would be viable to take a more intensive audit of a random 5% sampling of disclosures. Counsel Leventhal stated that the intention of the Board is to remain accessible to the employees and officers it serves, Kenneth Gartner added that reaching out to third parties without basis could reflect poorly on those in question, even if they had truly done nothing wrong. Counsel Leventhal said the purpose of the form is to serve as a check on transactional disclosure, and awaken in the mind of the employee where a conflict may exist. He reiterated the importance of comfortability to reach out to the Board for advice, how the Board should be proactive in educating, and use its investigative powers when an issue is evident or a complaint arises.

Michael Pernick then asked if a vote was required to handle each FOIL request. County Attorney Kasschau said it was appropriate for his department to handle such FOILs in-house,

Counsel Leventhal cited Section 87 of the Public Officers Law – stating the Board has authority to appoint a records officer. Michael Pernick motioned to officially appoint the County Attorney's office to handle FOIL requests and maintain records for the Board, seconded by County Attorney Kasschau. The motion passed unanimously.

Next the Board discussed the process of updating the financial disclosure form and the rules for procedure. County Attorney Kasschau stated it may require legislative approval to make any alterations. It was the general consensus of the Board that any changes should be coupled with the drafted update to the Code of Ethics.

Michael Pernick brought up Code of Ethics section (10)(j), requiring the Board to maintain on its website any forms necessary to seek advisory opinions or to file an ethics complaint. Currently, there is a general contact form that allows for public comment to reach the Board. The Board will take into consideration creating new forms specific to advisory opinions and complaints.

Deputy County Executive John Chiara entered the meeting, and the Board discussed his role as a delegated officer for financial disclosures. DCE Chiara maintained that he wished to only handle basic administrative duties, to avoid any potential issues. Since he was appointed by the County Executive and not the Legislature, he insisted that the bulk of the responsibilities remain within the Board and County Attorney's office. County Attorney Kasschau and DCE will keep an open dialogue on the level of his involvement.

As an aside, Counsel Leventhal brought up the importance of having a diverse Board in terms of political party affiliation. The County Executive's office has the capability to nominate two more Members to the Board, so that issue may be addressed when the next two candidates are proposed.

At 9:39 a.m., County Attorney Kasschau motioned to adjourn the Public Session and enter into Executive Session, seconded by Michael Pernick. Motion carries unanimously.

At 10:36 a.m., County Attorney Kasschau motioned to adjourn executive session back to public session and conclude the meeting, seconded by Michael Pernick. Motion carries unanimously.