

Minutes Nassau County Board of Ethics
- Public Session

Meeting date and place: June 29th, 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

Board Counsel: Steven G. Leventhal

Also in attendance (Public Session): JoAnn Greene – Nassau County Comptroller’s office
Two additional auditors from the Nassau Comptroller
Sean Berman, Accountant II, taking minutes

Chair Kenneth Gartner called the meeting to order at 8:09 a.m., seconded by County Attorney Kasschau.

First the Board revisited the financial disclosure program for reporting year 2017. Although the rate of compliance with the initial deadline was high, the Board discussed how to approach the missing filers. County Attorney Kasschau suggested that his office could send out notifications to those who neglected to file. Past practice has been to send an initial message alerting the employee of their delinquent status, advising them to return a completed form as soon as possible. For those that do not heed the initial notice, a second letter would be sent out containing stronger rhetoric, including the penalties associated with failure to file. Counsel Leventhal stated that the ultimate goal is reaching full compliance, which despite the minority of delinquent filings is eventually achieved each year.

Still on the topic of financial disclosures, the Board discussed the process of transitioning to electronic submissions in the near future. County Attorney Kasschau said it would likely be grouped in as part of larger scale IT project along with Nassau’s vendor disclosure form. The Board also discussed making some revisions to the contents of the form itself. Chair Gartner stated the questions on the form tend to be confusing and stale. Counsel Leventhal explained that the original financial disclosure forms adopted by various local/county municipalities were derived from New York State law, but an alternative, simpler form was later developed. Nassau adopted a version of the alternative form during the Suozzi administration, but the Board seeks to update it once more. County Attorney Kasschau said any changes would have to be approved by County Legislature, and would need to be consistent with Article 18 of the general municipal law.

Next the Board discussed a proposed update to the Code of Ethics. Counsel Leventhal had drafted a revised version of the Code, but the Legislature has since passed changes and executive orders that may need to be incorporated, particularly the zero tolerance policy on gifts. There was some conversation on part of the Board about implementing the zero tolerance policy into the Code, the Board received public comment from guest attendees that they are now afraid to accept simple items such as several sheets of paper, or a single bottle of water. Counsel Leventhal explained that the goal of the Board is to instill public confidence in government and guide/protect its employees, and mentioned that the lobbying act specifically lists prohibited sources, as well as reasonable exceptions for things that are incidental and nominal in value.

Another development that may be relevant to the updated Code is Executive Order 1-2018, in which County Executive Laura Curran disallowed members of her County Executive staff from making monetary contributions to her campaigns. County Attorney Kasschau suggested there is no need to incorporate a limited order, since the Code of Ethics applies to all county officers and employees. Chair Gartner stated that when a drafted revision to the Code of Ethics is officially available, any and all changes will be subject to Board review.

The Board also seeks to expand its Ethics training to more departments and employees. In particular, Counsel Leventhal would like to reach more Commissions and Boards associated with the County, explaining that many of them are comprised of people from the private sector who may be accustomed to less stringent restrictions. County Attorney Kasschau mentioned that the Deputy County Executive for Compliance and the head of Procurement have been providing Procurement talks around the county, suggesting that Counsel Leventhal would be a useful addition to the group.

Next the Board discussed updating its department webpage. Member Pernick cited the Suffolk County Board of Ethics webpage as an example. One item he suggested for consideration was adding the Board's advisory opinions to the website. There was some back and forth between members about the confidentiality aspect of these opinions. Counsel Leventhal said it would have to be handled on a case by case basis, in some cases seeking consent from the subjects about posting opinions for public consumption, perhaps to varying degrees of redaction. Other items in consideration to be added include instructions for requesting an advisory opinion, filing complaints, public agendas and minutes of past meetings, etc.

JoAnn Greene, in attendance from the Nassau Comptroller's office, stated that her office is conducting an audit to provide further suggestions to the Board. She mentioned that Suffolk County has an executive director to the Board of Ethics. County Attorney Kasschau stated that our Code of Ethics permits one, it would just be a matter of Legislative approval and budgeting. Chair Gartner assured that the Board is moving forward to incorporate positive changes, conceding that there is always room for improvement, but was also willing to work together in order to make the Board stronger.

Finally, the Board arranged to schedule its next meeting, now tentatively set for Tuesday, July 24th at 8:00 a.m., same location.

At 9:13 a.m., County Attorney Kasschau motioned to adjourn to executive session, seconded by Member Pernick. Motion carries unanimously.

At 12:14 p.m., Chair Gartner motioned to adjourn executive session as well as the meeting, seconded by County Attorney Kasschau. Motion carries unanimously.