

Minutes Nassau County Board of Ethics
- Public Session

Meeting date and place: July 24th, 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

The meeting was called to order at 8:00 a.m. The first item on the public agenda involved a status update on the Financial Disclosure program for reporting year 2017. Following the Board’s meeting dated June 30th, 2018, the financial disclosure forms have officially been sent out to the District Attorney’s office with a deadline of August 17th, 2018. As the DA’s office has over 200 employees mandated to file, this will be a significant step towards achieving full compliance. The Board also set out to contact all delinquent filers prior to the next meeting. Additionally, the Board seeks to transition into electronic filing for future reporting years. This will require authorization from the legislature, and development on the part of I.T. thereafter. County Attorney Kasschau stated that if achieved, this will significantly reduce the amount of labor involved in administering this program.

The Board also discussed officially adopting several policies and procedures. The first procedure up for codification pertained to the *Review of Annual Statements for Financial Disclosure*. Counsel Leventhal described the current process which includes 4 steps:

- Comparing the list of completed disclosures on hand with the full list of persons required to file
- Confirming that all questions on the forms have been completed
- Checking for potential conflicts of interest through any vendor/contractor/consultant matches
- Conducting a general “eye test” of the forms to reveal any other potential conflicts of interest

The Board was in general agreement to adopt the Procedure once it has been re-written as Resolution 1-2018, to be signed by Chair Gartner and uploaded to the department website.

The next item up for codification was the Board's *Policymaker Guidelines*, the source document being Resolution 1-1991. The Board identified some updates to the language of the resolution that it would like to implement in an updated version, to be written by Counsel Leventhal. Until that point the matter is tabled.

The last procedure for consideration was *Conducting Fact Finding Hearings*. Counsel Leventhal had supplied the version used by the Town of Huntington, however the members of the Board were in agreement that they preferred the previously adopted version supplied to them, albeit after some updates to the language. This item is tabled pending further review as well.

A new Code of Ethics draft was presented to the Board, authored by Counsel Leventhal. This update is more comprehensive and consists of 3 main sections:

- Code of Conduct
- Disclosure Requirements
- Powers and Duties of the Board

It was suggested that the individual members of the Board take time to thoroughly examine the proposed Code, and reconvene at a later date entirely dedicated towards its approval.

Also included on the agenda was Ethics Training for Officers and Employees. The Board agreed it may be necessary to wait for more intensive training until the updated Code of Ethics is passed. Counsel Leventhal said the initial focus would be towards educating elected officials, deputy county executives, department heads, as well as Boards and Commissions. He asked what are some of the measures being taken at the moment. County Attorney Kasschau said educational materials are distributed to newly hired employees, and all county employees are required to complete annual online tutorials and examinations for workplace violence, sexual harassment, etc.

The Board also discussed its own department webpage. There is a continuing dialogue to make the page more robust. County Attorney Kasschau requested the *Rules of Procedure for Adjudicatory Proceedings and Appeals relating to Assessment of Civil Penalties* be uploaded to the webpage. Counsel Leventhal suggested taping future training sessions to upload as well. Michael Pernick would like to update the submission form, tailoring one form specifically for complaints and another for requests for advisory opinion. The Board is also leaning towards uploading redacted versions of advisory opinions.

With three auditors present from the Comptroller's office, the Board addressed the recent audit engagement letter delivered by that office. The Board voted unanimously to authorize Counsel Leventhal as liaison for any communications regarding the audit, including scheduling an entrance conference.

Finally, the Board arranged to schedule its next meeting, now tentatively set for Thursday, August 16th at 8:00 a.m. at the same location.

At 8:58 a.m., County Attorney Kasschau motioned to adjourn to executive session to discuss requests for ethics advice, seconded by Michael Pernick. Motion carries unanimously.

At 9:36 a.m., County Attorney Kasschau motioned to adjourn executive session as well as the meeting, seconded by Michael Pernick. Motion carries unanimously.