

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

County  
~~City~~ of Sullivan  
~~Town~~  
~~Village~~

SEP 25 2013

Local Law No. 3 of the year 2013

MISCELLANEOUS  
& STATE RECORDS

A local law Sullivan County Ethics Law  
*(Insert Title)*

Be it enacted by the Legislature of the  
*(Name of Legislative Body)*

County  
~~City~~ of Sullivan as follows:  
~~Town~~  
~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2013 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Sullivan was duly passed by the Legislature on May 23, 2013, and was (approved)(~~not approved~~) (repassed after disapproval) by the Sullivan County Legislature on May 23 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of July 23, 2013, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

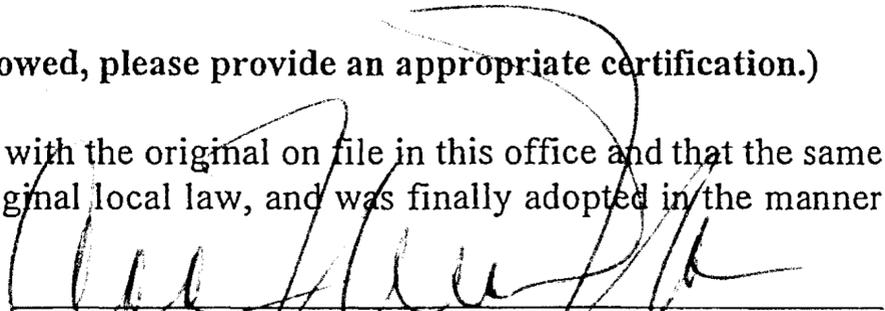
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4, above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

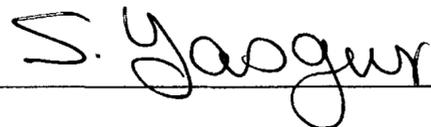
Date: July 23, 2013

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature

Sullivan County Attorney  
Title

County  
~~City~~ Sullivan  
of  
~~Town~~  
~~Village~~

Date: July 23, 2013

SULLIVAN COUNTY  
ETHICS LAW

Adopted on May 23, 2013

## TABLE OF CONTENTS

	<b>Page</b>
Section 1. Title	1
Section 2. Legislative Findings	1
Section 3. Purpose and Intent	2
Section 4. Repeal of Existing Code of Ethics	2
Part A: Conduct	2
§100. Definitions	2
§101. Code of Ethics	8
§102. Board of Ethics	17
§103. Investigation of Alleged Violations and Advisory Opinions	23
§104. Penalties	28
§105. Contracts Void	29
§106. Suits Against the County of Sullivan County	29
§107. Testimony	29
§108. Conflicts Between Sections	30
§109. Distribution of Code of Ethics	30
§110. Effective Date	30
Part B: Financial Disclosure	31
§200. Definitions	31
§201. Annual Financial Disclosure Statements	33
§202. Responsibilities of the Clerk of the Legislature	34
§203. Violations	35

## **Local Law No. 3 of 2013**

### **County of Sullivan**

#### **A local law known as the “Sullivan County Ethics Law”**

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

#### **SECTION 1. TITLE.**

This local law shall be known and may be cited as the “Sullivan County Ethics Law”.

#### **SECTION 2. LEGISLATIVE FINDINGS.**

The Legislature finds that the vast majority of municipal officials and representatives serve the County honestly. These individuals recognize that in a democratic society, even the appearance of impropriety may significantly undermine the public’s confidence in the officials who serve them. The Legislature further finds that establishing standards of conduct for elected and appointed officials, officers and employees of the County of Sullivan shall help improve the perception and reality of integrity in local government. This local ethics law seeks to fulfill those goals.

### **SECTION 3. PURPOSE AND INTENT**

This local law is intended to create the minimum standards which constitute ethical conduct, and shall govern appropriate conduct of all elected and appointed officials, officers and employees of the County of Sullivan and its affiliated agencies. This local law as adopted shall not conflict with, but be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct.

### **SECTION 4. REPEAL OF EXISTING CODE OF ETHICS**

The Sullivan County Code of Ethics, Article VIIIA of the Sullivan County Charter, Local Law No. 2 of 1998, is hereby repealed in its entirety, rendered obsolete and replaced in full by this local law.

## **ETHICS LAW**

### **PART A: CONDUCT**

#### **§100. Definitions**

Unless otherwise indicated, the following terms shall be defined as such for purposes of this Law:

1. “**Agency**,” means the Sullivan County Industrial Development Agency (“IDA”), the Sullivan County Funding Corp., ECCEDC, and any non-government organization or entity that performs or is organized to perform County-related functions. An initial list of Agencies that are subject to this Ethics Law shall be created by Resolution of the County Legislature within sixty days of adoption of this law.
  
2. “**Appropriate body**” pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Sullivan.
  
3. “**Contract**” means an agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.
  
4. “**Child**” means any son, daughter, step-son or step-daughter of a County Official, employee or County Elected or appointed official.
  
5. “**County**” means the County of Sullivan or any department, board, division, institution, office, branch, bureau, commission, or agency thereof.

6. **“County Official”** means:

(a) **“Local officers or employees,”** (i) the heads (other than County elected officials) and any members of the Board of Directors of any County agency, department, division, council, board, commission or bureau and their deputies and assistants, whether paid or not; (ii) other employees of such departments, divisions, boards, bureaus, commissions, councils or agencies who hold policy-making positions, whether paid or not. The term “local officer or employee” shall not mean a judge, justice, officer or employee of the Unified Court System, unless the individual is also a County employee.

(b) **“County elected officials,”** County Legislators, Clerk, Treasurer, Sheriff, Coroners and District Attorney;

(c) **“Other employees”**, other employees of the County whose duties involve the negotiation, authorization or approval of:

- i. contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in section seventy-three of the Public Officers Law;

- ii. the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
  - iii. the obtaining of grants of money or loans; or
  - iv. the adoption or repeal of any rule or regulation having the force and effect of law.
- (d) “Specific Listing”, not in limitation of the positions, titles or entities covered by subsections (a), (b) and (c ), above, the County Legislature shall, within sixty (60) days of the adoption of this Law, by Resolution, set forth a specific list of the positions, titles and entities which shall be particularly covered by this Law and such Resolution shall remain in full force and effect unless and until modified in a subsequent Resolution by a majority of the County Legislature.

7. “**Dependent**” means any person, related or unrelated, living in the same household with a County Official or employee and claimed as a dependent for income tax purposes by said County Official.

8. “**Employee**” means any employee or official of the County of Sullivan, other than those designated as County Officials herein.

9. **“Interest”** means a direct or indirect financial or material benefit accruing to a County Official, employee, his or her relative or dependent, whether as a result of a contract with the County or otherwise. A benefit shall include, but not be limited to, employment, a gift, service, payment, permit, approval, waiver, authorization, travel, entertainment, hospitality, or gratuity, or a promise of any of the foregoing. A County Official shall be deemed to have an Interest in a contract of (1) his or her dependent or relative, except a contract of employment with the County; (2) a firm, partnership or association of which such County Official or his or her dependent or relative is a member or employee; (3) a corporation of which such County Official or his or her dependent or relative is an officer or director; or (4) a corporation, at least ten (10%) percent of the outstanding capital stock of which is owned by a County Official or his or her dependent or relative.

(a) A financial or material benefit shall not include a campaign contribution authorized by law.

(b) An ‘Interest’ shall not include the setting of County Official and employee salaries and benefits, or an action statutorily mandated upon a County Official when there is no other County Official authorized to undertake such statutorily mandated action. In that event, the statutorily mandated action shall not be undertaken until the County Official delivers written disclosure of the Interest to the Clerk of the Legislature.

10. “**Jurisdiction**” means having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County or Agency.
  
11. “**Legislation**” means a matter which has been placed upon the calendar or agenda of the Legislature of Sullivan County or a committee thereof, upon which official action has been or may be taken, and shall include adopted acts, local laws, ordinances or resolutions.
  
12. “**Relative**” means a spouse, child, grandchild, sibling, child of a sibling or parent of a County Official.
  
13. “**Sibling**” means a brother or sister, half-brother or half-sister, step-brother or step-sister of a County Official.
  
14. “**Spouse**” means a husband, wife, or domestic partner, whether of the same sex or the opposite sex, of a County Official, unless legally separated from the County Official.

## § 101. CODE OF ETHICS

1. Every County Official and employee shall be subject to and abide by standards of conduct. These standards of conduct are in addition to those which apply to County employees as set forth in the Sullivan County Employee Handbook distributed to each employee at his/her orientation session:

2. Prohibited Activities

(a) No County Official or employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a condition of County employment or is set as a matter of County policy.

(b) Certain County Officials are precluded from taking part in the purchase of real or personal property owned by the County of Sullivan. The titles and positions of those County Officials who may not bid for, or acquire or purchase real or personal property, in any manner, offered for sale by the County of Sullivan as a result of the tax delinquency of such parcel or parcels or otherwise, shall be separately identified by Resolution of the County Legislature within sixty (60) days of adoption of this Law. Exempt from this provision are Agency Board members, unless the

individual is subject to this prohibition by another law. This includes a prohibition against bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including, but not limited to, a relative. It shall be presumptive proof of a violation of this Law if such County Official shall have acquired any Interest in the property whatsoever, including, but not limited to, the holding of a mortgage, lien or other financial Interest, no matter how acquired, either directly or through any third parties, within two (2) years of the date upon which such property was sold or conveyed by the County of Sullivan.

(c) A County Official or employee shall take no action on a matter before the County or Agency including, but not limited to, official acts and legislation, when he or she has an Interest in such matter, as defined herein, which, to his or her knowledge, would conflict with or impair the proper discharge of his or her official duties. The County Official or employee shall disclose such Interest, in writing, to the County Legislature, as soon as he or she has knowledge of such Interest. Every such written disclosure shall be made part of and set forth in the official record of the proceedings of the County Legislature.

(d) A County Official or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be

rendered in relation to any matter before any Agency of which he or she is an officer, member or employee or over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee. This preclusion does not include circumstances when the Legislature declares there to be an urgent need for the specific services so long as any conflict of interest is disclosed in writing and prior to a vote of the Legislature regarding same.

(e) A County Official may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any Agency whereby his or her compensation is to be dependent or contingent upon any action by such Agency with respect to such matter.

(f) A County Official or employee shall not vote on, or administer, a matter in which he or she has a direct financial interest.

(g) A County Official shall not knowingly invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict of interest with his or her official duties. The County Official shall disclose the conflict within ten (10) business days of attaining knowledge of same, and shall immediately undertake efforts either to divest himself or herself of the investment or resign his or her position. The conflict must be resolved within a

reasonable time, but no later than sixty (60) days from the date the County Official first learned of it. During the period of time the conflict of interest exists, the County Official shall not have direct oversight of the underlying matter and shall recuse himself or herself from any involvement in, discussion of, or vote upon, the matter.

(h) A County Official shall not engage in, solicit, negotiate for, or promise to accept, private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of official duties.

(i) A County Official shall not for one (1) year after the termination of service or employment, appear before his or her own board, Agency or division of the County of Sullivan in relation to any case, proceeding or application in which he/she personally participated or over which he or she had jurisdiction during the period of his/her service or employment.

(j) No County Official shall use or attempt to use his/her official position to advance or obtain any unwarranted privilege, exemption or advantage for himself, herself or others, not generally available to County citizens.

(k) No County Official shall directly or indirectly solicit or accept gifts, whether in the form of money, services, loan, travel, entertainment,

hospitality, item or promise, or otherwise under circumstances in which it reasonably could be perceived to influence the performance of official duties or was intended as a reward for any official action. In addition to, and notwithstanding the foregoing, in no event shall a County Official accept any gift or benefit which alone or in the aggregate exceeds seventy-five (\$75.00) dollars in any given twelve (12) month period, from any person or firm that he or she knows or should know, does or intends to do, business with the County of Sullivan. Nothing contained herein shall prohibit a County Official from accepting a gift from a family member or personal friend which is customary on family and social occasions. A County Official should seek an Advisory Opinion from the Board of Ethics prior to accepting a gift from such a person or firm in the event the County Official believes that acceptance of the gift may create a conflict of interest. Violation of this provision (k) shall constitute a conflict of interest.

- (l) No County Elected Official shall use his or her official position or office, or take or fail to take any action, in a matter in which he or she knows or has reason to know may result in a benefit to a person or entity from whom the County Elected Official has received election campaign contributions of more than two hundred fifty dollars (\$250) in the aggregate during the twelve (12) months prior to taking or failing to take such action. The County Elected Official shall disclose his or her perceived conflict of interest and thereafter shall abstain on any vote

involving the person or entity. The abstention shall not be counted as a vote in favor of the matter before the County Elected Official.

- (m) No County Official or County Elected Official shall engage in bid-rigging or any coercive conduct, such as: influence peddling, threats, fear of retribution, loss of job, intimidation, bullying, or loss of business, for the sake of personal gain or benefit.

### 3. Confidential Information

- (a) No County Official or County employee subject to the provisions of this Law shall disclose confidential information or use such information to further a personal interest.

- (b) The Public Officers Law of New York State requires counties to make certain records available for public inspection and copying. Permissible exceptions to this requirement are listed in Section 87, subdivision 2 of that Law. Information defined by this Code of Ethics as either disclosable or confidential are intended to be consistent with the provisions of that Law.

- (c) For the purposes of this Law, all information falls into one of three categories: the class of information which is never confidential; the class

of information which is always confidential; and the class of information which may be confidential.

i. NEVER CONFIDENTIAL: Some internal or interagency records, communications and reports are never confidential. According to the Public Officers Law, these include information that is:

- The result of an external audit; or
- Statistical data; or
- An instruction to staff that affects the public; or
- A final policy or determination made by the county or one of its departments.

Disclosure or use of such information is not restricted by this Law.

ii. ALWAYS CONFIDENTIAL: Information is always confidential when its disclosure would:

- Impair current or imminent contract awards or collective bargaining negotiations; or

- Interfere with law enforcement investigations or judicial proceedings; or
- Deprive a person of his or her right to a fair trial or impartial adjudication; or
- Constitute an unwarranted invasion of privacy, or
- Endanger the life or safety of any person.

Information that is always confidential includes:

- Civil service examination questions or answers prior to the administration of the exam; or
- Computer access codes; or
- Information that is specified as non-disclosable by federal or state law.

No County Official may disclose such information, unless pursuant to Court Order, and may never use such information to further a personal Interest.

iii. **MAY BE CONFIDENTIAL:** Information which does not clearly fall into one of the above categories may still be confidential. In those instances where a request has not been filed pursuant to section 87 of the Public Officers Law (F.O.I.L.), and a County Official or employee is uncertain as to whether information may be disclosed or used, prior to any determination being made with regard to disclosure or personal use, all County Officials and employees must submit a written request to the County Attorney as to whether a given piece of information is confidential or not. The County Attorney shall advise whether the County Official or employee is at that time legally obligated to deem the information confidential. The County Attorney shall make every best effort to provide the requesting party with a written determination within three (3) business days.

(d) The restrictions on disclosure and use of confidential information apply without regard to the circumstances in which the information was sought or acquired.

4. Failure to comply with this Section may result in the imposition of any appropriate penalty set forth in Section 104 hereof.

## **§102. – BOARD OF ETHICS**

1. Membership and Eligibility.

There shall be a County Board of Ethics, the members of which shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Board of Ethics shall consist of five (5) members, only one (1) of whom shall be a County Official or employee. Members of the Board of Ethics shall be volunteers, and shall receive no compensation for the performance of duties as members. The Board shall have access to and the assistance of County administrative staff to the extent required to conduct its business, at no expense to the Board. County administrative staff shall be required to maintain complete confidentiality of all matters brought before and discussed by the Board. The Board shall be entitled to legal counsel. Each member of the Board shall be a resident of the County of Sullivan.

2. Term.

Each member of the Board of Ethics shall serve a term of three (3) years and may be reappointed for one (1) additional consecutive term. Each member shall serve until his or her successor has been appointed, except that of the five (5) members first

appointed, one (1) shall serve for one (1) year; two (2) shall serve for two (2) years; and two (2) shall serve for three (3) years. No member shall serve for more than two (2) full three (3) year terms.

### 3. Quorum.

Three members shall constitute a quorum.

### 4. Meetings.

(a) Annual Meeting: The Board of Ethics shall have an annual organizational meeting within forty-five (45) days of January 1<sup>st</sup> set by the chairperson from the previous year, at which time board members will elect a chairperson. Such meeting shall serve as an orientation for any new members. The initial meeting of the Board of Ethics shall occur within sixty (60) days of the effective date of this Ethics Law. At the meeting, the Board shall review its activities of the previous year, discuss and address modifications to procedure or the Law, review the list of positions subject to annual disclosure statement filing requirements, and any other business that may come before it.

(b) Regular Meetings: The Board of Ethics may hold additional meetings throughout the year as shall be called by the Chair or any two (2) members, provided, a meeting of the Board of Ethics shall be held within

fifteen (15) days after the filing of a complaint alleging a violation of this Law, at which meeting such complaint shall be considered by the Board in the manner set forth in Section 103 hereof.

#### 5. Vacancies and Removals.

(a) In the event a vacancy occurs, it shall be filled for the unexpired term in the same manner as the original appointment. Such appointment shall be made no later than thirty (30) days after the vacancy occurs.

(b) A member may be removed for cause by motion of any member of the County Legislature. Removal shall require approval by at least six (6) affirmative votes cast by members of the Legislature.

i. Grounds for removal are: substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Ethics Law or conviction of a crime.

ii. The provisions of Section 103 shall control and be applied to removals sought pursuant to this section.

#### 6. Powers and Duties of the Board of Ethics.

(a) The Board of Ethics shall have the following powers and duties:

- i. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Law;
- ii. To review the list of Sullivan County Officials and employees required to file financial disclosure statements;
- iii. Subject to the provisions of Part B of this Law, to review financial disclosure statements that are the subject of a written inquiry or complaint. Upon review of a financial or transactional statement, if it is determined to be deficient or reveals a potential violation of this Law, the Board shall notify the person in writing of the deficiency or potential violation and of the penalties for failure to comply with this Law. A copy of such notice shall be provided to the County Manager and County Attorney. The Notice shall be confidential and shall not be subject to disclosure unless required in an employee disciplinary or removal proceeding or by order of court;
- iv. To investigate any alleged impropriety and recommend or undertake appropriate actions and proceedings, as required. To do

so, the Board shall have the power to, among other things, administer oaths, affirmations, and require the production of relevant or material books and records;

v. To review the filing of waivers or extensions of time to file financial disclosure statements as set forth in detail in Part B of this Law;

vi. To render, index and maintain on file advisory opinions;

vii. To prepare an annual report by April 1<sup>st</sup> that summarizes the activities of the previous year and recommends any changes to the Ethics Law, including provision of definitions, disclosure forms and instructions for filling them out and filing procedures.

viii. To maintain records of its reports, proceedings and recommendations for a period of seven (7) years. Records deemed 'confidential' shall be segregated from all other records to maintain their confidentiality until they are destroyed.

(b) Meetings and proceedings of the Board concerning an alleged violation of this Law shall not be open to the public except upon the request of the accused County Official or employee or as required by law.

(c) The Board of Ethics may act only with respect to Sullivan County Officials and employees, however, the resignation or termination of a County Official or employee from a County office or from employment subsequent to the filing of a complaint, shall not affect the jurisdiction of the Board.

(d) The following records of the Board of Ethics shall be available for public inspection:

- i. The information set forth in the annual statement of financial disclosure filed pursuant to Part B of this Law, except the categories of value or amount and personal information, which shall remain confidential.
- ii. Notices of civil assessments imposed under this Law.
- iii. Documents required to be disclosed by Public Officers Law, Section 87, subdivision 2; however at no time shall a document produced or made available as part of a confidential investigation be released or made available for inspection.
- iv. Documents mandated to be disclosed by Court Order.

## §103 – INVESTIGATION OF ALLEGED VIOLATIONS AND ADVISORY OPINIONS

1. COMPLAINTS. Upon receipt of a sworn complaint of a person alleging a violation of this Law, or upon determining on its own initiative that a violation of this Law may exist, the Board of Ethics shall have the power and duty to undertake an investigation to determine whether a violation has occurred.

(a) A proceeding may be commenced by the filing of a sworn complaint, or by the Board of Ethics' own written determination to investigate.

i. In the event a proceeding is commenced by sworn complaint, within five (5) business days, the Board shall review the allegations to determine whether or not a violation of the Law has been alleged. The Board shall render its determination, by majority vote within three (3) business days. In the event the Board determines that the complaint does not allege a violation of the Law, the complaint shall be dismissed and simple notice of the complaint and of its dismissal, without further detail, shall be mailed to the complainant and the subject of the complaint. The complaint and the determination shall be sealed and not available to any person not a member of the Board of Ethics.

ii. In the event a member of the Board of Ethics raises the possibility of a violation by a County Official, the Board shall first determine, by majority vote, whether the alleged conduct, if undertaken, would constitute a violation of the Law. In the event the Board determines that the conduct would not constitute a violation of the Law, it shall render a written determination. The allegation, preliminary investigation and determination shall be sealed and not available to any person not a member of the Board of Ethics.

(b) In the event the Board determines that an allegation, if true, would constitute a violation of the Law, it shall, within five (5) business days, mail written notification to the accused individual. The Board's notification shall describe the alleged violation and provide a fifteen (15) day period in which the accused individual may submit a sworn, written response setting forth information and/or documentation relating to the alleged violation. The Board's notification shall also inform the accused individual of its rules regarding the conduct of adjudicatory proceedings, appeals, and the due process procedural mechanisms available to such individual. In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest or violation has been rectified, it shall, within five (5) business days, provide written notice to the accused individual and the complainant, if any. **The foregoing shall be kept confidential except the subject of**

**the complaint may disclose the facts alleged and determination of the Board.**

- i. In the event the Board of Ethics determines there is reasonable cause to believe a violation has occurred, it shall, within twenty (20) days, provide written notice of reasonable cause: (a) to the accused individual; (b) to the complainant, if any; (c) in the case of a County Official or employee, to the appointing authority for such person; and (d) in the case of a County Elected Official, to the Chair of the County Legislature. In the event of a conflict with the Chair, then to the Vice Chair. Such determination of reasonable cause shall be confidential and shall not be made public or disclosed unless required by Public Officers Law or required for use in a disciplinary proceeding or proceeding under this Law involving the subject individual, complainant, or another County Official.
- ii. Once reasonable cause has been established, the Board of Ethics shall schedule a hearing, to be held within sixty (60) days, at which the accused individual is entitled to legal representation of his or her own choosing and at his or her own expense. Testimony shall be taken under oath and the proceeding shall be recorded. The Board shall issue a decision, containing specific findings, within

thirty (30) days of the completion of the hearing. A copy of the decision shall be served, by certified mail, on the accused individual or his or her legal representative, the complainant, and the Clerk of the Legislature. The decision of the Board of Ethics shall not be deemed confidential.

(c) DISPOSITIONS. The Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. The report shall be made in accordance with section 102 (6) (a) (vii), subject to the confidentiality requirements set forth herein.

(d) ADVISORY OPINIONS.

- i. A County Official or employee may request an advisory opinion from the Board of Ethics prior to that County Official or employee engaging in any behavior which he or she reasonably believes may cause a violation of this Law. The request for an advisory opinion shall be written and sworn to, and shall contain sufficient facts to permit the Board to make its determination. An individual requesting the opinion is obligated to be forthcoming and cooperative throughout the process, in the absence of which no advisory opinion will be provided. The Board shall endeavor to

provide written notice of its determination within ten (10) business days. The County Official or employee who requested the opinion shall be notified of the Board's determination within forty-eight (48) hours of the determination.

ii. Advisory Opinions shall be filed with the Clerk of the Legislature; however, the Board of Ethics shall first redact all names, identifying features, and any other information which would tend to identify the complainant and the subject of the request for the Advisory Opinion.

iii. In the event a complaint is subsequently filed against a County Official or employee in which a violation of this Code is alleged based upon the facts which formed the basis of the request for the Advisory Opinion, it shall be a complete defense to the alleged violation that the County Official or employee acted consistent with, and in reliance upon, said Advisory Opinion. An unredacted Advisory Opinion shall be available to the County Official who sought or needs it to defend himself or herself.

(e) COMPLAINTS AGAINST THE BOARD OF ETHICS. The Board of Ethics shall not conduct an investigation of itself or any of its members or staff. In the event the Board of Ethics receives a sworn complaint in

which it is alleged that the Board or any of its members or staff has violated any provision of this Law or any other law, it shall transmit a copy of the complaint to the Chair of the Legislature and the County Attorney within forty-eight (48) hours of receipt of same. The Chair of the Legislature shall, within five (5) business days, create a three (3) person subcommittee of Legislators, at least one (1) of whom is a member of a minority party, to address the complaint, and provide the complainant with written notice of the subcommittee members. The subcommittee shall thereafter conduct whatever investigation or hearing necessary in the same manner and with the same authority as provided generally in this Section. A copy of the subcommittee's decision shall be distributed to all members of the Legislature. Further action, if any, shall comply with the provisions of this Law.

(f) FALSE COMPLAINTS. Any person who knowingly files a false complaint may be subject to disciplinary action, civil liability, or criminal prosecution.

#### **§104. PENALTIES**

1. Any person who willfully and knowingly violates this Law shall be subject to a civil action, civil penalty, disciplinary action or relevant criminal prosecution.

Penalties are not exclusive.

2. In addition to the foregoing, a person who knowingly and intentionally violates the provisions of this Law may be fined up to ten thousand dollars (\$10,000) per occurrence, unless the violator is subject to the protections and limitations set forth in the Civil Service Law. A County Official or County employee may also be reprimanded, suspended, or removed from office or employment, subject to the provisions of the Civil Service Law or any Collective Bargaining Agreement.

### **§105-CONTRACTS VOID**

Any contract knowingly entered into in violation of this Law shall be voidable at the discretion of the County Legislature.

### **§106-SUITS AGAINST THE COUNTY OF SULLIVAN**

Nothing set forth herein shall be deemed to bar or prevent the filing of a lawsuit or claim for or against the County of Sullivan under any other provision of law.

### **§107-TESTIMONY**

No County officer or employee shall decline or refuse to answer any question specifically or directly related to the performance of his or her official duties before any official, board or agency authorized or empowered to so inquire into the performance of such duties. This section shall not be construed to bar any Sullivan county officer or employee from exercising his constitutional privileges against self-incrimination; however, when such body or agency is wholly civil in nature, failure to cooperate with and diligently answer the inquiries shall constitute grounds for dismissal or removal, subject to any other provision of law.

### **§108-CONFLICTS BETWEEN SECTIONS**

In the event two (2) or more provisions of this Law are in conflict with one another, the more restrictive provision shall apply.

### **§109 – DISTRIBUTION OF CODE OF ETHICS**

The Chair of the Sullivan County Legislature shall cause a copy of this Ethics Law to be distributed to every County Official and employee, electronically or otherwise, and posted on the County website, within thirty (30) days of its effective date. Each County Official, elected or appointed, and each employee thereafter, shall be furnished with a copy of this Law, electronically or otherwise, before entering upon the duties of his office or employment. Acknowledgement of receipt of this Local Law shall be by regular (or inter-office) mail and must be provided by each County Official or employee who is subject to its terms. Receipt of the acknowledgement shall be required in order to commence employment or volunteer work. Acknowledgement of receipt of the Local Law shall be required by current County Officials within thirty (30) days after its effective date.

### **§110 –EFFECTIVE DATE**

This local law shall take effect sixty days after adoption, upon filing with the New York State Secretary of State, subject to all applicable provisions of law.

**SULLIVAN COUNTY ETHICS LAW**

**PART B: FINANCIAL DISCLOSURE**

**§200. DEFINITIONS**

In addition to the definitions set forth in PART A of this Law, the following terms shall have the meanings described below:

1. **“Annual Financial Disclosure Statement”** A form adopted by the Legislature of the County of Sullivan which requires the identification of certain personal and business assets of a Required Filer.
  
2. **“Reporting Category”** For the purpose of completing Annual Financial Disclosure Statements, the category of interest, income, value or worth of reported items. All amounts are to be indicated using the following categories only:
  - (a) Under \$5,000
  
  - (b) \$5,000 to under \$20,000
  
  - (c) \$20,000 to under \$60,000

(d) \$60,000 to under \$100,000

(e) \$100,000 to under \$250,000

(f) \$250,000 or over

3. **“Required Filer”** A County Elected Official, County Official, or other employee and any other individual whose position within or with the government of the County of Sullivan requires him or her to file an Annual Financial Disclosure Statement.

(a) On or before the 1<sup>st</sup> of April of each year, the County Legislature, by Resolution, shall identify those positions which require the filing of Annual Financial Disclosure Statements.

(b) On or before March 1<sup>st</sup> of each year, the Board of Ethics may recommend to the County Legislature modifications to the positions listed in the annual Resolution identifying “Required Filers”; however no recommendation shall be acted upon unless adopted by resolution of the County Legislature.

## **§201. ANNUAL FINANCIAL DISCLOSURE STATEMENTS**

1. Time period. On or before the 15<sup>th</sup> day of May of each year, Required Filers shall complete and file their Annual Financial Disclosure Statements. An individual who accepts a position or is appointed to a position listed on Appendix A after May 1<sup>st</sup> of any year shall file an Annual Financial Disclosure Statement for the year within thirty (30) days of accepting the position.
2. Place to File. A Required Filer shall submit to the Clerk of the County Legislature a completed Annual Financial Disclosure Statement on the form prescribed by the Sullivan County Legislature.
3. Request for extension of time. On or before May 1<sup>st</sup> of each year, a Required Filer may request an extension of time to file his or her Annual Financial Disclosure Statement for a period not to exceed thirty (30) days. Such request shall be made in writing to the Clerk of the Legislature. The request shall be approved only upon a showing of justifiable cause or undue hardship. The Clerk shall provide the Required Filer with written notice of his or her determination within five (5) business days of receipt of such request.

## **§202. RESPONSIBILITIES OF THE CLERK OF THE LEGISLATURE**

1. The Clerk of the Legislature shall be the official repository of all Annual Financial Disclosure Statements and shall not release for observation or otherwise any such Statement unless authorized to do so by this or other Law.
2. Upon written request and as required by the Freedom of Information Law, the Clerk of the Legislature shall make an Annual Financial Disclosure Statement available, but shall withhold from inspection personal information such as social security numbers, home address, and other personal information, as permitted by law. All written requests for access to Annual Financial Disclosure Statements shall be kept on file by the Clerk of the Legislature.
3. The Clerk of the Legislature shall receive and catalog all Annual Financial Disclosure Statements to determine whether a Required Filer has filed his or her Financial Disclosure Statement. In the event a Required Filer has failed to file an Annual Financial Disclosure Statement, the Clerk shall provide written notice of the violation and ten (10) days to correct it. In the event the violation is not cured within ten (10) days, the Clerk shall report it to the Board of Ethics. In the event the Required Filer is a member of the Board of Ethics, the Clerk shall report the violation to the Chair of the Legislature.

## §203. VIOLATIONS

1. A Required Filer who violates this Law may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction as authorized by law. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this Law or in any other related provision of law.
  
2. In the event of a violation of this Law, or in the event the Board of Ethics receives a sworn complaint alleging a violation, or in the event the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall provide written notice to the Required Filer, in which the alleged violation is set forth in detail. The Board of Ethics shall provide a ten day period in which the Required Filer shall submit a detailed written response.
  - (a) In the event the Board of Ethics determines further inquiry is justified, it shall provide the Required Filer with an opportunity to be heard.
  
  - (b) The Board of Ethics shall inform the Required Filer of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available as set forth in Part A, Section 103 hereof.

(c) In the event the Board of Ethics determines at any stage of the proceeding that there is no violation or that a violation has been cured, it shall so advise the Required Filer and the complainant, if any. **All of the foregoing proceedings shall be confidential.**

3. In the event the Board of Ethics determines there is reasonable cause to believe that a violation exists, it shall send a notice of reasonable cause to: (1) the Required Filer; (2) the complainant, if any; and (3) in the case of a County Official, his or her appointing authority.

(a) The Board's determination of reasonable cause shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law, Article 6) or required for use in a disciplinary proceeding or proceeding involving the Required Filer.

(b) Any further proceedings shall adhere to the procedural requirements set forth in Part A, Section 103 of this Law.

(c) In the event the Board of Ethics determines that a violation of this Law has occurred, it shall provide a copy of its determination to the Required Filer's Appointing Authority or, in the event the Required Filer is a County Elected Official or member of the Board of Ethics, to the County

Legislature, for further action. The determination of the Board of Ethics shall include a recommendation as to penalty, sanction or other action.

**RESOLUTION NO. 321-13 INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT  
A LIST OF SPECIFIC POSITIONS SUBJECT TO THE SULLIVAN COUNTY ETHICS  
LAW**

**WHEREAS**, pursuant to the provisions of Section 100 (6)(d) of the Sullivan County Ethics Law established by Local Law Number 3 of 2013, a list of specific positions covered by the Law is required to be adopted by resolution, and

**WHEREAS**, in addition to all individuals covered under Section 100(6)(a) through (6)(c) of the Ethics Law (“County Officials”) and pursuant to Section 100 (6)(d), attached to this resolution is a specific listing of positions subject to the Sullivan County Ethics Law.

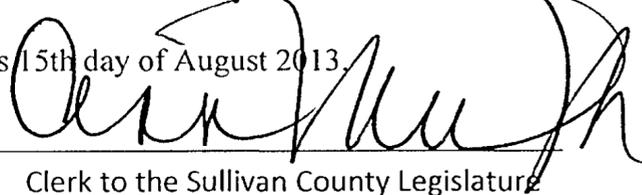
**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of specific positions subject to the Sullivan County Ethics Law is hereby adopted as set forth in Section 100 (6)(d) of Local Law 3 of 2013, to be effective upon filing of the law with the New York State Secretary of State.

**Moved by Mrs. LaBuda, seconded by Mr. Sorensen put to a vote, unanimously carried and declared duly adopted on motion August 15, 2013.**

COUNTY OF SULLIVAN )

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 15th day of August 2013.



Clerk to the Sullivan County Legislature

## LIST OF POSITIONS SUBJECT TO THE ETHICS LAW

Accounts Payable Coordinator, Audit  
Administrator, Adult Care Center  
Administrator, Department of Motor Vehicles  
Airport Superintendent  
Assistant Commissioner to Planning and Environmental Management  
Assistant County Attorney (2)  
Assistant County Attorney Part time  
Assistant Director of Aging Services  
Assistant Director of Nursing Services/Patient Care  
Assistant Director of Purchasing and Central Services  
1<sup>st</sup> Assistant District Attorney  
2<sup>nd</sup> Assistant District Attorney  
3<sup>rd</sup> Assistant District Attorney  
4<sup>th</sup> Assistant District Attorney  
5<sup>th</sup> Assistant District Attorney  
6<sup>th</sup> Assistant District Attorney  
7<sup>th</sup> Assistant District Attorney  
Assistant Director of Risk Management & Insurance  
Attorneys, Department of Family Services (2)  
Attorney, Industrial Development Agency  
Attorney, Sullivan County Funding Corporation  
Board of Trustees, Sullivan County Community College  
Chairman of the Legislature  
Chief Civil Officer  
Chief Deputy Patrol Division/Internal Affairs  
Chief Information Officer  
Clerk to the Legislature  
Commissioner, Board of Elections (2)  
Commissioner, Division of Health and Family Services  
Commissioner, Planning and Environmental Management  
Commissioner, Division of Public Safety  
Commissioner, Division of Public Works  
Coordinator, Child Support Enforcement Unit  
Coordinator, Children with Special Needs, Public Health  
Coroner (4)  
Correction Captain, Sullivan County Jail  
Correction Lieutenant, Sullivan County Jail  
County Attorney  
County Auditor  
County Clerk  
County Legislator (8)  
County Manager  
County Treasurer  
Deputy Clerk to the Legislature  
Deputy Commissioner of Elections (2)  
Deputy Commissioner of Public Works, Engineering  
Deputy Commissioner Health & Family Services  
Deputy Commissioner of Management and Budget  
Deputy County Manager/Commissioner Management and Budget

Deputy Director of Community Services  
Deputy Director Real Property Tax Services III  
Deputy Public Health Director  
Deputy County Clerk  
Deputy County Treasurer  
Deputy County Treasurer II  
Director of Administration and Case Management  
Director, Center for Workforce Development  
Director of Development and Application Support, MIS  
Director of Operations and Network Administration, MIS  
Director, Community Services  
Director, Department of Real Property Tax  
Director of Family Services  
Director, Fraud Investigations  
Director, Human Resources  
Director, Municipal Weights and Measures  
Director, Nursing Services  
Director, Office for the Aging  
Director, Parks, Recreation and Beautification Programs,  
Director, Probation II  
Director, Public Health Services  
Director, Purchasing and Central Services  
Director, Rehabilitation Services, ACC Physical Therapy  
Director, Risk Management & Insurance  
Director of Services, Family Services  
Director, Temporary Assistance – Department of Family Services  
Director, Veterans Service Agency  
Director, Youth Bureau  
District Attorney  
District Attorney Investigators  
Division Contract Compliance Officer, Health and Family Services  
E-911 Coordinator  
Economic Development Programs Supervisor  
Executive Assistant, County Manager  
Executive Assistant, District Attorney  
Executive Director, Human Rights  
Facilities Bridge Superintendent  
Fiscal Administrative Officer, Adult Care Center Fiscal Services  
Fiscal Administrative Officer, Family Services  
Fiscal Administrative Officer, Health Finance (2)  
Fiscal Administrative Officer, Management and Budget  
Garage Superintendent  
Grants Administration Supervisor  
Industrial Development Agency Members  
Jail Administrator, Sheriff's Office  
One Stop Manager, CWD  
Payroll Coordinator /Software Support Technician  
Personnel Officer  
President, Sullivan County Community College  
Road Maintenance Superintendent  
Secretary, Industrial Development Agency

Sheriff

Special Counsel Workers Compensation part time

Sr. Accountant, Treasurer Accounting

Sr. Assistant County Attorney (part-time)

Sr. Family Services Attorney

Sr. Fiscal Administrative Officer, Sheriff Civil

Sr. Fiscal Administrative Officer, Treasurer Accounting part time

Staff Accountant, Treasurer Accounting

Sullivan County Funding Corporation Member

Treasurer, Industrial Development Agency

Trustee, Sullivan County Community College

Undersheriff

Vice Chair, Industrial Development Agency

Vice President for Administrative Services, SCCC

**RESOLUTION NO. 322-13 INTRODUCED BY EXECUTIVE COMMITTEE TO  
CONFIRM THE APPOINTMENTS OF THE MEMBERS OF THE SULLIVAN  
COUNTY BOARD OF ETHICS**

**WHEREAS**, pursuant to the provisions of Section 102 of Local Law Number 3 of 2013, the County Manager has appointed five members to the Sullivan County Board of Ethics with various terms, and

**WHEREAS**, the members and their terms, to commence upon filing of Local Law Number 3 of 2013 with the New York State Secretary of State, are as follows:

Member	Term
Monica Farquhar Brennan	1 year term
Keith Gilmore	2 year term
Judie Goldberg	2 year term
John Konefal	3 year term
Kenneth Walter	3 year term

**WHEREAS**, the appointments to the Sullivan County Board of Ethics, by the County Manager, require confirmation by the County Legislature.

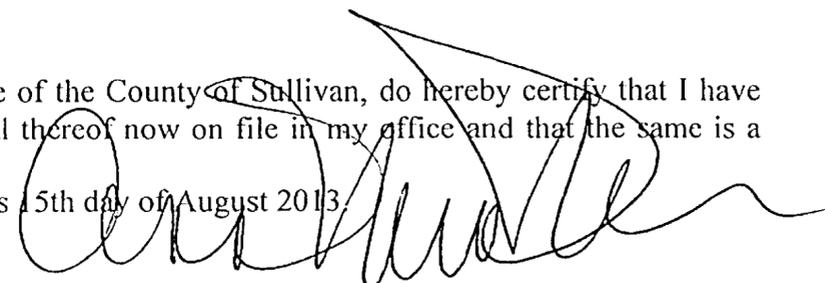
**NOW, THEREFORE, BE IT RESOLVED**, that the appointments listed above are hereby confirmed as set forth in Section 102 of Local Law Number 3 of 2013, to be effective upon filing with the Secretary of State.

**Moved by Mrs. LaBuda, seconded by Mr. Sorensen put to a vote, unanimously carried and declared duly adopted on motion August 15, 2013.**

COUNTY OF SULLIVAN )

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 15th day of August 2013.

  
Clerk to the Sullivan County Legislature

**RESOLUTION NO. 323-13 INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT  
A LIST OF SPECIFIC POSITIONS PROHIBITED FROM BIDDING AT COUNTY  
AUCTIONS PURSUANT TO THE SULLIVAN COUNTY ETHICS LAW**

**WHEREAS**, pursuant to the provisions of Section 101(2) of the Sullivan County Ethics Law established by Local Law Number 3 of 2013, a list of persons and specific positions subject to prohibition from bidding at County auctions is required to be adopted by resolution; and

**WHEREAS**, the County conducts auctions of real property as well as personal property and the prohibitions against bidding are different for each.

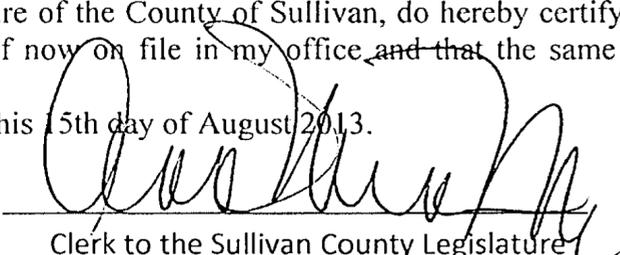
**NOW, THEREFORE, BE IT RESOLVED**, that the persons and positions identified on the two (2) separate lists attached to this Resolution are prohibited from bidding at the respective County auctions in accordance with Section 101(2) of Local Law Number 3 of 2013, to be effective upon filing of the Law with the New York State Secretary of State.

**Moved by Mrs . Edwards, seconded by Mr. Sorensen put to a vote, unanimously carried and declared  
duly adopted on motion August 15, 2013.**

COUNTY OF SULLIVAN )

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 15th day of August 2013.

  
Clerk to the Sullivan County Legislature

**EMPLOYEES AND OTHERS PROHIBITED FROM BIDDING AT  
THE COUNTY'S REAL PROPERTY AUCTIONS**

1. Members of Sullivan County Legislature and legislative staff
2. County Manager, and Executive Assistant to County Manager and office staff
3. Commissioner of Management and Budget, Deputy Commissioner of Management and Budget, Research Analyst and office staff
4. County Auditor and staff
5. County Attorney and staff
6. County Treasurer and staff
7. Division of Public Works staff
8. Director of Real Property Tax Services and staff
9. Auction Company employees
10. Spouses, non-emancipated children, and dependents of above
11. Firm, partnership or association of which such person is an officer, member, or employee
12. Corporation of which such person is officer, director or employee, or of which person owns more than five (5%) percent of the stock.

Exceptions

1. There are exceptions which do not create a conflict of interest. An employee who believes that he or she should not be subject to these prohibitions because bidding will not create a conflict of interest, should apply, in writing, to the Board of Ethics, which will make a recommendation to the Legislature.

**EMPLOYEES AND OTHERS PROHIBITED FROM BIDDING AT AUCTIONS  
OF THE COUNTY'S PERSONAL PROPERTY \*\***

1. Members of Sullivan County Legislature and legislative staff
2. County Manager, Executive Assistant to County Manager and office staff
3. Commissioner of Management and Budget, Deputy Commissioner of Management and Budget, Research Analyst and office staff
4. County Attorney and staff
5. County Treasurer and staff
6. Division of Public Works staff
7. Director of Purchasing and staff
8. County Auditor and staff
9. Commissioners, Department Heads and their staff whose equipment is subject to the County's auction
10. Auction Company employees
11. Spouses, non-emancipated children, and dependents of Staff listed
12. Firm, partnership or association of which such person is an officer, member or employee
13. Corporation of which such person is officer, director or employee or of which person owns more than five (5%) percent of the stock

\*\*These prohibitions apply to Auctions of County-owned Property only.

Exceptions

1. There are exceptions which do not create a conflict of interest. An employee who believes that he or she should not be subject to these prohibitions because bidding will not create a conflict of interest, should apply, in writing, to the Board of Ethics, which will make a recommendation to the Legislature.

**RESOLUTION NO. 325-13 INTRODUCED BY EXECUTIVE COMMITTEE TO ADOPT  
FOUR (4) FORMS PURSUANT TO THE SULLIVAN COUNTY ETHICS LAW**

**WHEREAS**, pursuant to the provisions for the Sullivan County Ethics Law established by Local Law Number 3 of 2013, four forms need to be adopted, and

**WHEREAS**, the four (4) forms are Advisory opinion Request Form, the Ethics Complaint Form, Notice of Ethics Complaint and Response Form for Accused Individual, and the Receipt of Sullivan County Ethics Law Form.

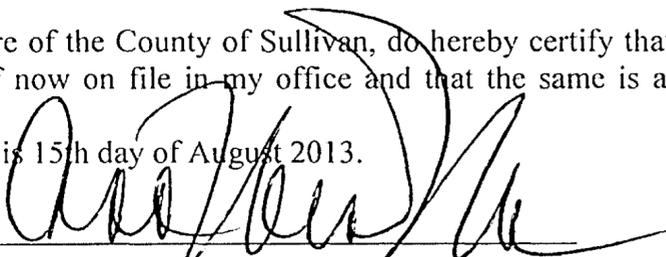
**NOW, THEREFORE, BE IT RESOLVED**, that the four (4) forms are Advisory opinion Request Form, the Ethics Complaint Form, Notice of Ethics Complaint and Response Form for Accused Individual, and the Receipt of Sullivan County Ethics Law Form are hereby adopted by the Sullivan County Legislature and will be attached to the Sullivan County Ethics Law upon filing with the Secretary of State.

**Moved by Mr. Benson, seconded by Mr. Rouis, put to a vote, unanimously carried and declared duly adopted on motion August 15, 2013.**

COUNTY OF SULLIVAN )

I, ANNMARIE MARTIN, Clerk to the Legislature of the County of Sullivan, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said Legislature this 15th day of August 2013.



Clerk to the Sullivan County Legislature

**ETHICS COMPLAINT  
FORM**

(This Form should be filed with Board of Ethics)

Any person may file a Complaint if he or she has information that a public officer or employee has violated the Sullivan County Ethics Law. It is not enough to merely allege that a public officer or employee has acted improperly. A Complaint must contain information supporting the allegation(s) that one or more of the provisions of the Ethics Law have been violated.

This Form is not required, but its use is encouraged as a Complaint. It must be in writing and verified by oath or affirmation. A Complaint must be filed with the Board within one year of the date the offense is alleged to have occurred, unless the offense was incapable of being discovered due to intentional acts on the part of the accused individual. This form is deemed filed upon receipt by the Chairman of the Board of Ethics.

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

County Official / Employee subject to complaint (i.e. accused individual):  
\_\_\_\_\_

Public position held by accused individual: \_\_\_\_\_

Approximate date of alleged violation(s): \_\_\_\_\_

Description of conduct by accused individual and section of Ethics Law alleged to have been violated:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach additional sheets if needed.)

I, \_\_\_\_\_, the Complainant herein, being duly sworn, state (or affirm) that, upon review of the Ethics Law, the allegation(s) contained herein is / are true, except so far as they are stated to be based upon information, and to the extent they are based upon information, I believe them to be true.

This Ethics Complaint was executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Print name of Complainant

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me in Sullivan County, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

*Any person who files a Complaint alleging a violation of the Ethics Law knowing that material information provided therein is not true or that the information provided therein was made in reckless disregard for the truth may be subject to criminal prosecution as well as the reasonable costs incurred by the County of Sullivan in investigating the Complaint and the reasonable costs incurred by the accused individual in responding to the Complaint as provided in the Ethics Law.*



(Please attach additional sheets if needed.)

I, \_\_\_\_\_, the Complainant herein, being duly sworn, state (or affirm) that having read the provisions of the Ethics Law, the statement(s) contained herein is / are true, except so far as they are stated to be based upon information and belief, and to the extent they are based upon information and belief, I believe them to be true.

This request for advisory opinion was executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Print name of Complainant

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me in Sullivan County, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

*Any person who requests an Advisory Opinion regarding a potential violation of the Ethics Law knowing that material information provided therein is not true or that the information provided therein was made in reckless disregard for the truth may be subject to criminal prosecution as well as the reasonable costs incurred by the County of Sullivan in investigating the Complaint and the reasonable costs incurred by the accused individual in responding to the Complaint as provided in the Ethics Law.*

**NOTICE OF ETHICS COMPLAINT and  
RESPONSE FORM FOR ACCUSED INDIVIDUAL**

(This Form should be filed with Board of Ethics)

**NOTICE**

A sworn Complaint against you or involving you has been filed with the Sullivan County Board of Ethics. Pursuant to the Ethics Law, you have an opportunity to respond to the allegations.

This Form is not required, but its use is encouraged as your Response Form. Any response must be in writing and verified by oath or affirmation. A Response must be filed within fifteen (15) days of your receipt of this Notice. This form is deemed filed upon receipt by the Chairman of the Board of Ethics.

Accused Individual: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Public position held by Accused Individual: \_\_\_\_\_

Approximate date of alleged violation(s): \_\_\_\_\_

Description of conduct alleged to have been undertaken by Accused Individual and section of Ethics Law alleged to have been violated: (to be taken from Complaint form)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONSE BY ACCUSED INDIVIDUAL:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

(Please attach additional sheets if needed.)

I, \_\_\_\_\_, the Accused Individual herein, being duly sworn, state (or affirm) that the statements contained herein are true, except so far as they are stated to be based upon information, and to the extent they are based upon information, I believe them to be true.

This Response to an Ethics Complaint was executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Signature of Accused Individual

\_\_\_\_\_  
Print name of Accused Individual

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me in Sullivan County, New York this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

*Any person who files a Response to a Complaint alleging a violation of the Ethics Law knowing that the information provided therein is not true or that the information provided therein was made in reckless disregard for the truth may be subject to criminal prosecution as well as the reasonable costs incurred by the County of Sullivan and its Board of Ethics in investigating the Response to the Complaint.*

RECEIPT OF SULLIVAN COUNTY ETHICS LAW

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Public position held: \_\_\_\_\_

I, \_\_\_\_\_, the individual named herein, state that I have received a copy of the Sullivan County Ethics Law (electronically or otherwise) and agree to be bound by its provisions to the extent applicable to me.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Print name of Recipient

THIS SIGNED RECEIPT MUST BE DELIVERED TO THE CLERK OF THE SULLIVAN COUNTY LEGISLATURE, 100 NORTH STREET, MONTICELLO, NEW YORK 12701.