



**BRUCE A. BLAKEMAN**  
COUNTY EXECUTIVE

**COUNTY OF NASSAU**  
**BOARD OF ETHICS**  
One West Street  
Mineola, New York 11501-4820  
516-571-3056

**BOARD OF ETHICS**  
KENNETH L. GARTNER  
CHAIR

THOMAS A. ADAMS  
COUNTY ATTORNEY

ANGELO DELIGATTI  
MEMBER

JOHN BACH  
MEMBER

March 11, 2022

Hon. Bruce Blakeman  
Nassau County Executive  
Office of the County Executive  
Theodore Roosevelt Executive & Legislative Building  
1550 Franklin Avenue  
Mineola, NY 11501

Hon. Richard Nicoletto  
Presiding Officer  
Nassau County Legislature  
Theodore Roosevelt Executive & Legislative Building  
1550 Franklin Avenue  
Mineola, NY 11501

Hon. Kevan Abrahams  
Minority Leader  
Nassau County Legislature  
Theodore Roosevelt Executive & Legislative Building  
1550 Franklin Avenue  
Mineola, NY 11501

Re: Board of Ethics Annual Report – Year Ended December 31, 2021

Dear County Executive Blakeman, Presiding Officer Nicoletto, and Minority Leader Abrahams:

This Annual Report is provided by the Board of Ethics pursuant to Nassau County Charter § 2218(10)(k).

**1. The Board of Ethics.**

The Board of Ethics (the “Board”) is currently comprised of four members. One member was appointed in April 2018 to serve a five-year term that will expire on April 26, 2023. Two members were appointed on February 28, 2022 to serve five-year terms that will expire on February 28, 2027. The County Attorney is a standing member of the Board.

**ONE WEST STREET – MINEOLA, NEW YORK 11501-4820**  
**516-571-3056, FAX 516-571-6684, 6604**

Presently, there is one new vacancy on the Board due to the resignation of a former member on March 1, 2022. Prior to the appointment of two new members on February 28, 2022, the Board had been operating at a minimal quorum requiring full attendance and unanimity to act. While the two new appointments have eased the minimum quorum concerns, the Board will need the appointment of another new member to operate at its fully intended capacity.

The Board functions without regard to politics. No more than two members other than the County Attorney are enrolled in the same political party. The appointed members serve without compensation. They include three retired judges and a respected member of the bar. Pursuant to Nassau County Charter § 2218(10)(a), the Board elected member Kenneth L. Gartner to serve as its Chairman.

The Board is assisted by its special counsel and by a secretary assigned by the County Attorney.

Although the Board is only required to meet quarterly, additional meetings are scheduled as the work of the Board requires. Due to the COVID-19 public health emergency, the number of meetings was greatly reduced in 2021. In 2019, the Board held 13 meetings. During 2021, the Board met only six times.

## **2. Board of Ethics Website.**

The Board has continued to improve its presence on the County website by making information about the Board more accessible to the County workforce and the general public. In connection with these efforts, the Board expanded the Frequently Asked Questions (FAQs) section on the Board's website to include more information about requests for ethics advice, filing ethics complaints, financial disclosure statements, and ethics training.

The Board of Ethics website also includes the following:

- An online form for submitting requests for advisory opinions electronically.
- An online form for submitting ethics complaints electronically, with the option to submit complaints anonymously.
- The names and biographies of members of the Board.
- Previous meeting agendas and minutes.
- Copies of advisory opinions that the Board of Ethics determined could be published, some of which were published in redacted form.
- All policies and procedures adopted by the Board. This includes policies and procedures for: (1) determining who must file Annual Statements of Financial Disclosure; (2) conducting adjudicatory proceedings and appeals; (3) reviewing annual disclosure forms; (4) responding to requests for inspection and copying of Board records made pursuant to the Freedom of Information Law; and (5)

imposing penalties for late filing of annual statements of financial disclosure.

- A portal to make it easier for the public to submit requests pursuant to the New York State Freedom of Information Law.

The Board of Ethics website also includes:

- The Code of Ethics.
- A plain language guide to the Code of Ethics.
- The first in a series of single topic plain language guides, focused on the rules that apply to gifts, favors and tips.
- Meeting dates, agendas and minutes of meetings of the Board.
- A contact phone number, mailing address, and email address.

The Board believes that a comprehensive and accessible website allows it to better carry out its mission and will continue to improve its website and online presence on an ongoing basis.

Advisory opinions issued by the Board of Ethics are confidential. However, the Board believes that it is helpful to make advisory opinions available whenever possible. In certain circumstances, the Board has obtained permission from the requestor to post advisory opinions online without redactions. In other instances, with the consent of the requestor, the Board has carefully reviewed and redacted advisory opinions so that they can be posted online while protecting the identity of the requestor.

### **3. Ethics Education and Training.**

Educating County officers and employees on their ethical obligations is a central function of the Board. In 2018, the Board implemented a training program for its members, and has since provided ethics training to the Office of the County Executive, the Legislature, the Office of the County Attorney, and Department Heads and their deputies. This year, the Board plans to provide training to elected officials, department heads, deputy department heads, attorneys, and new appointees. Additionally, newly hired employees are provided with a copy of the Code of Ethics booklet as a part of their orientation packet. The Code of Ethics, along with a plain language guide, is available to all County officers and employees on the Board of Ethics website. The Board is working to make it easier for County officers and employees to learn about their ethical responsibilities. The Board remains committed to educating County officers and employees regarding their ethical obligations. The Board recommends that the County institute a regular program of ethics training.

#### **4. Ethics Advice**

The Board responded to several requests for ethics advice received from County officers and employees in 2021. The Board is diligent and thorough in its analysis of the legal issues raised by the inquiries and complaints that it considers. It regularly employs a three-step analysis to determine whether, under the circumstances presented, the contemplated conduct would give rise to a prohibited conflict of interest. The Board considers: (i) whether the contemplated conduct would violate Article 18 of the New York General Municipal Law, (ii) whether the contemplated conduct would violate the Nassau County Code of Ethics, and (iii) whether the contemplated conduct would give rise to a prohibited appearance of impropriety under common law principles.

The Board conscientiously responds to all complaints that it receives. The Board received several complaints in 2021. The matters were expeditiously addressed as the Board deemed appropriate.

The goals of the Board are to foster public confidence in government by ensuring both the reality and the appearance of integrity, and to guide and protect honest county officers and employees so that they will be more likely to avoid unintended ethics violations. The Board believes that these goals are best achieved through ethics advice and education. Nevertheless, the Board has the power and duty to investigate ethics complaints and impose penalties when warranted and will make judicious use of this power when it is appropriate and necessary to do so.

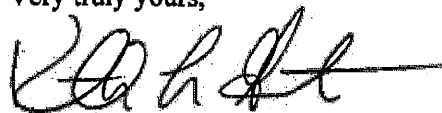
#### **5. Annual Financial Disclosure.**

In 2019, the Board implemented a new program for the secure electronic filing of Annual Statements of Financial Disclosure. That program continued in 2021. This important development has reduced the administrative burden of distributing, collecting and reviewing the disclosure forms. It permits the Board to determine electronically whether any person required to file a disclosure form has failed to do so, whether the filed disclosure forms are complete, and whether county officers and employees have secondary employment with, or an ownership interest in any county vendor, contractor or consultant. This development also makes it easier for individuals who are required to file to comply with their financial disclosure obligations.

The Board received Annual Statements of Financial Disclosure from approximately 700 county officers and employees who were required to file disclosure forms without the need to commence enforcement actions against late filers or non-filers.

The Board welcomes discussion of its work and is committed to its dual goals of ensuring both the reality and the appearance of integrity in county government, as well as assisting county officers and employees to avoid unintended ethics violations.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. L. Gartner', with a long horizontal line extending to the right.

Kenneth L. Gartner  
Chair