

SPECIAL ETHICS COMMISSION REVIEW COMMITTEE

Of the

Suffolk County Legislature

A meeting of the Special Ethics Commission Review Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, February 1, 2011, at 12:30 P.M.

Members Present:

Presiding Officer William J. Lindsay - Chairman
Legislator John M. Kennedy - District #12
Legislator Lynne C. Nowick - District #13
Legislator Jon Cooper - District #18

Also in Attendance:

Terrence Pearsall - Chief-of-Staff to P.O. Lindsay
Tim Laube - Clerk of the Suffolk County Legislature
Kara Hahn - Director of Communications for P.O. Lindsay
Michael Pitcher - Aide to Presiding Officer Lindsay
All Other Interested Parties

Verbatim Minutes Taken By:

Alison Mahoney - Court Reporter

*(*The meeting was called to order at 12:32 P.M. *)*

P.O. LINDSAY:

Okay, if I could have some quiet in the chamber. And I need the Special Ethics Investigative Committee, the four of us. Everybody is here, okay.

I need this on the record. The purpose for convening this special committee, as my colleagues know and the public knows from much public testimony, is that the motion was made by the Ethics Committee to -- Ethics Commission to quash our subpoena and to challenge the authority of this body to exist. After about a ten-week hiatus, the courts finally ruled that we do, in fact, have the ability, or the Presiding Officer has the ability to appoint a special committee, and we do, in fact, have this ability to exercise our oversight over absolutely a County government function. But the Judge did find fault with the subpoena the way it was issued, and the reason why is that I was the only one that signed the subpoena on behalf of the committee and he wanted some kind of proceeding to acknowledge that all four of the committee members were in favor of issuing the subpoenas. So that's the purpose of this meeting, this special meeting and the sole purpose.

I should add that that we have been led to believe by the Ethics Commission that they will voluntarily turn over the records without the subpoena, but we haven't seen them yet. So I'd rather be safe than sorry and I'd rather have the authority from this committee to issue the subpoenas if needed.

So I would like to make a motion to authorize the Special Counsel to the Special Ethics Commission Review Committee, Joseph Conway, to issue subpoenas for all documents needed from the Suffolk County Ethics Commission to proceed with its fact-finding mission. If such documents have not been provided to him by the close of business on Friday, February 4th, 2011, the subpoenas will go out.

LEG. COOPER:

I'll second that motion.

P.O. LINDSAY:

Second that motion by Legislator Cooper. Is there any questions from either one of my colleagues, any of my colleagues? Legislator Nowick.

LEG. NOWICK:

Just a comment for the record. This is not something that any of us want to do, but I would hope and I believe that the Ethics Commission will come with all of the documents that we request, just to clear matters up. And I think this is a good precautionary method, but hopefully we won't have to use this.

P.O. LINDSAY:

I just remind the committee the long walk to get to this point, you know. We went through a very tenacious meeting here where our colleagues had a lot of questions on why this was necessary; we got by that phase. The Ethics Commission asked the District Attorney for a letter of limited immunity and led us to believe that the documents would be turned over without subpoena, and then after they got the letter, they still ran into court to try and quash the subpoena. And now we're being told we're going to get the records again, but I would like, as a backup plan, all four of us to sign on to the subpoena. Legislator Kennedy, did you want to say something?

LEG. KENNEDY:

All I was going to ask, Mr. Chair, if I can respectively vote yes and go.

*(*Laughter*)*

P.O. LINDSAY:

That's the first time you were ever in a rush, Legislator Kennedy.

*(*Laughter*)*

But, yes, I have no other business, so --

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

A motion is before you, it's seconded. All in favor? Opposed? Abstentions?

It carries (VOTE: 4-0-0-0).

And we stand adjourned.

*(*The meeting was adjourned at 12:37 PM*)*