



## SHELTER ISLAND BOARD OF ETHICS

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4 January 2024

Dear Supervisor Brach-Williams and Town Board Members,

Below is our annual report from the Shelter Island Board of Ethics.

Last year, we finished a year-long review of best practices in small town ethics codes, recommended one to the Town Board, and saw it adopted, all by consensus. The [new code](#) for the first time meets minimum standards of state law and allows outside complaints, in addition to confidential employee requests. We also published a [“Plain English Guide”](#) to the new code and began five-year overlapping terms for ethics board members.

We met nine times and issued six formal Opinions during 2023. Four responded to employee questions about themselves; those Opinions are confidential unless the employee grants permission to share. The other two responded to complaints saying advisory board members may not have properly disclosed conflicting interests or properly recused themselves during deliberations. In those two cases, after investigation, we concluded they had acted appropriately. We forwarded those Opinions to the Town Board, as the code provides.

During 2023, we also provided significant informal guidance in three situations where time or circumstances didn't allow a full Opinion. One of those recommended not hiring people with active real estate practices on Shelter Island to work in the Town Assessor's office because of the possibility of conflicts or competitive benefits. The other two involved when members of official advisory panels should recuse themselves.

The latter is a difficult issue guided by common law and court cases but not always by the bright-line financial conflict-of-interest standards of state law. We offered the best general advice we can at this time:

*Recusal is mandatory for potential financial conflicts-of-interest under state law and our Town code of ethics. Recusal is optional for town officials in instances where for any reason they may feel they have a bias or personal connection that would potentially make it harder for them to put the public interest above any private interest.*

*Recusal from discussion and voting should be considered in occasions where a reasonable person would foresee an appearance of impropriety.*

This year, we will continue responding to ethics requests, and we plan to codify and publish our internal procedures, as well as our opinion summaries to the extent possible. We hope that by making as many of our opinions as public as possible, we will guide other employees and officials. Thank you for your support.

Sincerely,

Duff Wilson (chairperson) on behalf of the Board of Ethics  
Laura Cunningham  
Deborah Grayson  
Shelby Mundy  
Robert Raiber