

August 3, 2010

Dear Members of the Suffolk County Legislature,

I am a former member of the Suffolk County Ethics Commission, having served from 2002 to 2004. I was appointed by the Suffolk County Legislature.

I am shocked and dismayed at your apparent attempt to interfere with the functioning of the independent Ethics Commission. During my tenure on this Commission there was absolutely no interference from any governmental official. We handled many sensitive inquiries. At no time did the County Executive or any person on his staff attempt to influence our decisions. We were truly independent, which in my opinion, is the only way an Ethics Commission can properly function.

The brazen attempt of members of your body to interfere in the workings of the Ethics Commission is appalling. Partisan political pressure exerted on the Ethics Commission will destroy the independence of that body, thus defeating the purpose of its very existence. The Ethics Commissioners are volunteers. They receive no salary for a difficult and time consuming job. Their decisions have been, and should be, apolitical. In the name of good government I urge you to reconsider your probe into this confidential Commission. Any attempt to inject partisan politics into the Commission's decisions will not serve the interests of the citizens of Suffolk County.

Sincerely,

Steven J. Wilutis, Esq.

Dear Mr. County Executive,

I am writing to confirm that during my term as chair of the Suffolk County Ethics Commission I was never approached, lobbied or influenced by you or any member of your staff on any matter before the commission

Sincerely

Richard J.

From: steve@mktginc.com [mailto:steve@mktginc.com]

Sent: Tuesday, August 03, 2010 6:19 PM

To: Romaine, Edward; Barraga, Thomas; Browning, Kate; Cilmi, Tom; Cooper, Jon; D'Amaro, Louis; Eddington, Jack; Gregory, DuWayne; Horsley, Wayne; Kennedy, John; Lindsay, William; Losquadro, Daniel; Montano, Ricardo; Muratore, Tom; Nowick, Lynne; Romaine, Edward; Schneiderman, Jay; Stern, Steven; Villoria-Fisher, Vivian

Cc: Rick.brand@newsday.com; Smith, Mark L. (Executive)

Subject: Suffolk County Legislators

Dear Legislators:

Service on the Suffolk County Ethics Commission is one of the highest honors bestowed to a citizen in this county. I was given the rare privilege of serving two terms, one under County Executive Gaffney and the second under County Executive Levy. During my tenure I was never approached by any person, from the County Executive's administration to exert pressure, persuade me or attempt to in any way impact on my partial judgment.

There are always decisions that seem to beg interference. However, to do so would likely invite a backlash from sitting commissioners. In my opinion had I been so approached I would have removed myself from discussion and the decision at hand making the interference known. Surely the party attempting to interfere would have risked the prejudice of the other commissioners in ways that might not have been to their best interest.

During the transition between the Gaffney and Levy administrations I was allowed to address the transition team. At that time I spoke clearly on my view that the Chair of the Ethics Commission sets the agenda. I asked for an independent aggressive chair who would put a steady flow of business before the commission. I believe that we were a wide ranging, freely acting body in those years. We acted according to our best understanding of all pertinent codes, maintained strict confidentiality and debated with vigor and a free spirit. Anyone who might have had an ear to those proceedings would know that the service represented the highest standard that we were capable of providing. I am proud to have served and believe that the system at hand functioned well.

Sincerely yours,

Steven H. Gittelman. Ph.D.



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SUFFOLK COUNTY ETHICS COMMISSION



Thomas G. Nolan, Esq., Chairman
Craig J. Tortora, Esq., Commissioner
Dr. Joseph A. Laria, Commissioner

Susan A. Flynn, Counsel
Jessica H. Hogan, Co-Counsel
Vivian Keys, Secretary to the Ethics Commission

Hon. Alfred M. Lama, Executive Director
Daina Sindone, Secretary to the Executive Director

August 2, 2010

Hon. William Lindsay
Presiding Officer, Suffolk County Legislature
William H. Rogers Legislative Building
Veterans Memorial Highway
Hauppauge, New York 11787

Hon. Mr. Lindsay and Members of the Suffolk County Legislature:

Due to recent statements by members of this Legislature regarding the Ethics Commission, and the fact that this body is contemplating legislation to appoint an attorney to investigate the Ethics Commission, the members of the Commission are compelled to make a statement regarding the unsubstantiated and spurious charges being leveled against them.

As you all are well aware, the Legislature appoints two of the three members of the Commission. The presiding officer appointed Dr. Joseph Laria; and I myself was appointed by the full Legislature. Therefore, it is with frustration and disbelief that we have been forced to endure reading newspaper articles in which the Commission's integrity and impartiality is questioned by members of the very body that appointed us.

All members of the Commission are outraged that our personal integrity has been publicly questioned without one shred of factual proof that any impropriety has taken place. It is an affront to the members of the Commission and the Suffolk County taxpayers that this body is contemplating the hiring of outside counsel to investigate the Commission; especially in light of the fact that at least two of the State's foremost experts on the financial disclosure laws have already opined that there was nothing unethical, in the least, about the Commission's decision regarding Mr. Levy's filing of the state financial disclosure forms. The suggestion that the decision by the Commission was done due to pressure from

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Mr. Levy's office to "give him a pass," is an accusation that explicitly accuses the members of the Commission of acting unethically. Such a scurrilous and unsubstantiated accusation is nothing less than contemptible.

The members of the Commission serve on the Commission out of a sense of community service in order to provide guidance to any and all employees of Suffolk County. We devote long hours to the issues that are brought before us and do not receive any compensation whatsoever. The hours that we spend doing the Commission's work are, in fact, hours that we cannot spend working at our full time employment.

The Commission has *never, ever*, on any occasion, been pressured by *anyone* from the County Attorney's Office or the County Executive's Office-including Ms. Malafi and Mr. Levy- regarding the matters before us and, quite frankly, we resent the implication that we would permit that to happen under any circumstances or that we would be swayed by such pressure. Such an allegation tarnishes our professional and personal reputations.

To turn the Ethics Commission into a political football is both wrong and shortsighted. This body has not been provided with one shred of evidence to justify statements which suggest that confidence in the independence of the Ethics Commission has been lost. Egregious public statements such as those are a personal affront to the members of the Commission who deserve better than to be slandered by members of this body.


We are individuals with excellent professional and personal reputations who have been used as pawns in a game which we cannot control. The besmirching of our professional and personal integrity has been treated as nothing more than collateral damage and we find it unconscionable that we have been placed into this position when our only goal was service to the County.

Thank you.

Very truly yours,



Thomas G. Nolan, Chairman



Craig J. Tortora, Commissioner



Joseph A. Laria, Commissioner

Cc: Hon. Jon Cooper
Hon. Kate M. Browning
Hon. Lynne C. Nowick
Hon. John M. Kennedy, Jr.
Hon. Edward P. Romaine
Hon. Jay H. Schneiderman
Hon. Tom Muratore

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Hon. Vivian Vilorio-Fisher
Hon. Daniel P. Losquadro
Hon. Jack Eddington
Hon. Ricardo Montano
Hon. Tom Cilmi
Hon. Thomas E. Barraga
Hon. Wayne R. Horsley
Hon. DuWayne Gregory
Ho. Lou D'Amaro
Hon. Steve Stern
Hon. Steve Levy
Christine Malafi