

**RESOLUTION NO. 108 -2019, AUTHORIZING AN ACTION  
TO RECOVER MONIES PAID TO A FORMER COUNTY  
OFFICIAL**

**WHEREAS**, during his tenure as the Chief of Police for the Suffolk County Police Department, James Burke, abused his power, engaged in criminal activity, covered up his crimes and directed other police officers to engage in the cover up of his actions; and

**WHEREAS**, Burke pled guilty to several criminal offenses which he committed while on duty; and

**WHEREAS**, the County of Suffolk was required to pay \$1.5 million to settle a civil action that originated with Burke's abuse of power and criminal conduct; and

**WHEREAS**, Burke clearly breached the duty he owed the County to serve in his capacity faithfully and lawfully; and

**WHEREAS**, the faithless servant doctrine is a common law cause of action which allows employers to recoup any and all compensation paid to an employee while he or she acted in a disloyal manner during the period of their employment; and

**WHEREAS**, by committing serious crimes and using his position to actively impede the investigation of those crimes, Mr. Burke showed loyalty to himself to the detriment of the County; and

**WHEREAS**, the County should commence an action under the faithless servant doctrine to recover funds from Burke, as his illegal actions violated the law, his terms of employment and the fiduciary duty he owed the County, causing significant harm to the County and its taxpayers; and

**WHEREAS**, the authorization granted by this Resolution shall be strictly limited to James Burke and shall not serve as authorization to proceed in a similar fashion against any other current, former or future County official or County employee; now, therefore be it

**1st RESOLVED**, that this Legislature hereby authorizes, empowers and directs the County Attorney to commence a legal action against James Burke to recover compensation that was paid to Burke by the County of Suffolk, under any and all colorable legal theories, including, but not limited to, a claim under the faithless servant doctrine; and be it further

**2nd RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 5, 2019

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 8, 2019