



**CITY OF STAMFORD**  
**BOARD OF ETHICS**  
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May 18, 2022

Representative Bonnie Kim Campbell  
C/o Board of Representatives  
888 Washington Boulevard  
P.O. Box 10152  
Stamford, CT 06904-2152

Dear Ms. Campbell:

The Board of Ethics (the “Board”) has reviewed your email and your statements to the Board at its February 14, 2022 meeting in connection with your request for an advisory opinion (“Request”) concerning your ethical obligations as a member of the Board of Representatives in light of your 14-year employment with the Stamford public schools and your current position of Special Education Paraeducator with Cloonan Middle School. We thank you for your service to the City of Stamford and for your request of an advisory opinion.

Specifically, as we see it, the question we are asked to answer is whether being employed by the Board of Education (“BOE”) has any affect on a representative’s participation in and vote on BOE matters considered by the Board of Representatives. It is outside the scope of our authority to opine on any matters that do not pertain to the interpretation of the Stamford Municipal Code of Ethics.

Of relevance to our analysis are the following sections of Stamford Municipal Code of Ethics (the “Code”) as revised on October 4, 2021 by Ordinance No. 1280: Section 19-3, Section 19-4, and Section 19-5.

Section 19-4(A) of the Code sets forth, in relevant part, the following general rule regarding conflicts of interest:

“To avoid the appearance and risk of impropriety, a city officer or employee shall not take any official action that such person knows is likely to affect the economic interests of[.] . . . (1) the officer or employee . . .”<sup>1</sup>

Further, Section 19-4(B) of the Code requires a city officer or employee to do as follows when his or her conduct falls under the prohibition of Section 19-4(A):

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1 The Stamford Municipal Code of Ethics, §19-4, *available at* [https://library.municode.com/ct/stamford/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH19ETCOOF](https://library.municode.com/ct/stamford/codes/code_of_ordinances?nodeId=COOR_CH19ETCOOF) (last accessed April 24, 2022). All citations to the Code can be accessed herein.

*“Recusal and disclosure.* A city officer or employee whose conduct would otherwise violate subsection (a) must recuse himself. From the time that the conflict is, or should have been recognized, such person shall: [] (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and [] (2) A supervised employee shall promptly bring the conflict to the attention of such employee's supervisor who will then, if necessary, reassign responsibility for handling the matter to another person; and [] (3) A member of a board shall promptly disclose the conflict to other members of the board and shall not be present during the board's discussion of, or voting on, the matter.”

Sections 19-3 and 19-4(c) define the term “economic interest”. The definitional section of the Code, Section 19-3 defines the term as follows:

*“Economic interest.* "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, intangibles, and contractual rights, each having more than de minimis value. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the employee or officer owns less than five (5%) percent of the voting stock or shares of the entity or the value of the stock is less than fifteen thousand dollars (\$15,000.00). ”

Section 19-4(c) further clarifies that for purposes of a conflict of interest “[a]n action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof[.]”

Additionally, Section 19-5(A) further provides certain other limitations on the conduct of a city officer or employee as follows:

*“General rule.* A city officer or employee may not use such person's official position to advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including for such person) any form of special consideration, treatment, exemption, or advantage in violation of established or written city policy, procedure, or legal requirement. A city officer or employee who represents to a person that such officer may provide an advantage to that person based on the officer's position on a board or commission or employee's position with the City violates this rule.

For the avoidance of doubt, nothing in this provision shall prohibit constituent representation, notwithstanding that such representation may advance or impede private interests.”

Of note, however, Section 19-5(F) of the Code contains certain “safe harbor” provisions that permit certain conduct that would otherwise be prohibited under the plain language of Section 19-5(A). Of relevance to our inquiry are sub-sections (7) and (8) which permit under specific circumstances certain deliberations and voting for Board of Education budgetary matters.

*“(7)* An officer voting on a proposed municipal or Board of Education budget or appropriation provided that the total financial interest to the officer's Immediate Family, including, but not limited to, salary, health benefits, and pension, is insubstantial compared to the budget or appropriation being considered, or the appropriation is substantially unrelated to such total financial interest, and it is reasonable to expect that any likely action on said budget or appropriation will not financially or otherwise impact such officer or his or her Immediate Family.

(8) A municipal or Board of Education employee, or Commission or Board member preparing and advocating budgets that are acted upon by the Board of Education, and/or the Planning Board, Board of Finance and/or Board of Representatives.”

Armed with the above provisions of the Code and based on the information presented in the Request, the Board is of the opinion that *under certain specific circumstances*, a conflict of interest would exist and a violation of the Code would arise were you to participate in the attendant discussion.

Pursuant to the plain language of Section 19-4(A), as an employee of the BOE, you would clearly be affected by a prohibited conflict of interest in your capacity as a Representative were you to take any position, deliberate or vote on any official action “that is likely to affect [your] economic interests,” *i.e.*, any BOE matters before the Board of Representatives that would touch upon the financial conditions of your employment with the Board of Education. Secondly, under Section 19-5, your position on the Board of Representatives and your employment with the Board of Education would similarly prohibit your participation inasmuch as any such participation would “advance or impede private interests.”

Nevertheless, 19-5(F)(7) and 19-5(F)(8) exempt from the general rule a representative’s voting on *inter alia* a proposed BOE budget where the financial interest of a representative’s immediate family would not be substantially affected or where a BOE employee prepares or advocates for BOE budgets that are subsequently acted upon by the Board of Representatives.

Thus, under the facts and information provided, a conflict of interest would exist per the Code and you would have to follow the procedures for disclosure of same where the Board of Representatives considers BOE matters with more than insubstantial bearing on certain conditions of your employment (*e.g.*, salaries, pension, other remuneration components or existence and elimination of employment). Any BOE matters unrelated to compensation do not appear to present the same conflict of interests concerns, but would require further Board of Ethics guidance, if any is required.

This advisory opinion is a public document. The opinions stated herein are expressly based on the accuracy and completeness of the information presented to the Board and are confined to the specifics of the question(s) put to the Board in rendering such opinions. The Board wishes to emphasize that its finding pertains only to your specific circumstances, and should not be construed as precedent for any future requests for an advisory opinion or complaint filed with the Board.

Very truly yours,

A handwritten signature in cursive script that reads "Allan D. Lang".

Allan D. Lang, Chair

Cc: Town & City Clerk  
File