



CITY OF STAMFORD

BOARD OF ETHICS

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December 21, 2022

Fritz G. Chery
Board of Education
Stamford Public Schools
888 Washington Blvd., 5th floor
Stamford, CT 06901
FChery@StamfordCT.gov

Dear Mr. Chery,

You have requested an Advisory Opinion from the City of Stamford Board of Ethics ("Board"). You have informed the Board that you are a member of the Stamford Board of Education and part owner of a Plumbing and HVAC Training Center for adults 18 years and older based in Norwalk ("Business"). We thank you for your service to the City of Stamford and for your request of an Advisory Opinion.

You asked the Board whether your emails sent to high school guidance counselors in Fairfield County, including those in Stamford Public Schools, which advertised the Business creates a conflict of interest under the Stamford Code of Ethics ("Code"). Your email was sent from the Business' email account and included your name in the signature block.

We look to the Code's Sec. 19-4, conflict of interests, which states that "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 the officer or such person's outside clients." Under the facts presented regarding your training business, you did not take any official action to advance your economic interests by promoting your business, and we find no conflict of interest under 19-4.

We then look to the Code's Sec. 19-5, prohibited interests, which states that, "A city officer or employee may not use such person's official position to advance or impede private interests, or to grant or secure....any form of special consideration, treatment, exemption, or advantage." Under the facts presented, you did not use your position on the Board of Education to secure any special consideration or treatment in promoting your business.

Code Sec 19-8, prohibited use of influence and information, raises another concern. Subsection A states that “An officer or employee shall not attempt to influence any other officer or employee about any matter before any city agency from which said officer or employee would be likely to gain or lose a benefit that is not common to the general interest of other citizens of the city.”

By definition, advertising is a marketing tactic involving the promotion of a product or service. Successful advertising will influence the audience to whom the promotion is targeted. Your emails marketing your Business was directed to a target audience of high school guidance counselors including those in the Stamford Public Schools and as such, sought to benefit the Business by influencing City employees who are constituents of the Board of Education. The potential for improper influence might be avoided in the future by having your Business engage in general marketing and to refrain from targeted marketing to any City employees.

Ethical challenges should be expected because your Business operates in the education industry that includes the Stamford community. It is not possible to predict with precision all activities in the operation of your Business that might intersect with your role as a member of the Board of Education, which could create an opportunity for personal benefit and possibly violate the Code. Compliance with the Code requires vigilance and the Board welcomes your inquiries for guidance to situations wherein you could come in violation of this section of the Code.

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allan D. Lang".

Allan D. Lang, Chair
Board of Ethics

cc: Town & City Clerk
File