

CITY OF STAMFORD


Stamford Board of Ethics
Stamford Government Center
Advisory Opinion

To: Anabel Figueroa
Stamford Board of Representatives

From: City of Stamford Board of Ethics

Date: August 21, 2019

Re: Advisory Opinion


TOWN CLERK, CITY OF STAMFORD

FILED: 007 0 2 2019

Dear Representative Figueroa,

You requested an Advisory Opinion from the City of Stamford Board of Ethics. You advised us of the following facts:

1. You are a member of the Board of Representatives, representing District 8.
2. There will be a vote on August 5, 2019 on whether to hire Chris Murtha as the new Stamford Chief of Police.
3. Your husband is on the Police Commission as a volunteer.
4. Your son is a paid employee of the Police Department.
5. In the past you have recused yourself from voting whenever there was a financial matter affecting funding for the Police Department because you believed there was a conflict of interest as your family would have a financial gain from that vote.

Based on these facts we find: 1. With respect to your husband, there is no conflict of interest. He is a volunteer on the Police Commission and would not receive a financial benefit or detriment if you cast a vote regarding appointment of Chris Murtha.

With respect to your son, there is a conflict of interest if you participate in the August 5, 2019 vote and you are therefore prohibited under the Code from voting or deliberating.

Section 19-4 of the Code states: "No officer...shall engage in any business or transaction or have a personal, immediate family...interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of....her official duties or that by creating a divided loyalty might influence or impair...her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer...will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence."

Section 19-5.A states that an officer “shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of his or her immediate family or a business with which he or she is associated would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.”

You are a member of the Board of Representatives and therefore an “officer” under both sections of the Code. Your immediate family, your son, is employed by the Police Department. Your son’s salary, benefits and other aspects of employment could be affected by the vote on the new Chief of Police. He would be “likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.” Because of this, in order to avoid a “divided loyalty” and maintain your “independence of judgment” in your work as a member of the Board of Representatives, you are prohibited under the Code from voting or deliberating on August 5, 2019.

Further, pursuant to Section 19.11 of the Code, at the time of the August 5, 2019 vote, you must state that there is a conflict either in writing or on the record and state that you are not participating and the reason you are not participating is that you have a conflict of interest under Section 19-4.

This Advisory Opinion pertains only to the facts presented here and included within your request. This Advisory Opinion cannot be relied on by any other officer or employee.

Thank you for proactively seeking advice on how to handle potential conflicts of interest and for your many years of service to the City of Stamford.