

CITY OF STAMFORD

Stamford Board of Ethics
Stamford Government Center
April 19, 2019

Advisory Opinion

To: Jonathan Winkel
Chair, Stamford Economic Development Commission
Commissioner, Stamford Urban Redevelopment Commission

From: City of Stamford Board of Ethics

Re: Advisory Opinion

Dear Chair/Commissioner Winkel,

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

1. You are the Chair of the Stamford Economic Development Commission (“EDC”), and you are a Commissioner on the Stamford Urban Redevelopment Commission (“URC”). You have held these roles for two years. Both commissions are comprised of the same 4 members (1 seat is currently empty);
2. You are the founder and current Board Chairman of Stamford Innovation Week (“SiW”), an annual week-long celebration of innovation in Stamford that draws attendees from the surrounding region;
3. SiW is currently an Unincorporated Association that has no bank account and no employees. Its financial transactions are processed under a fiduciary arrangement with the Ferguson Library;
4. SiW is growing and, therefore, plans to alter its structure, which will likely include governance by a board of directors;
5. Under consideration is your possible appointment as Executive Director of SiW and, although the details are as yet undetermined, it is likely to be a part-time compensated position;
6. The City of Stamford was a sponsor of SiW in 2018 and may or may not be a sponsor of SiW in 2019 and beyond;
7. In your role on the EDC, you were a primary point of contact for the City when it sought methods through which it could financially support the 2018 SiW, and you may play the same role again in relation to future SiW events.

Based on the above factual background, you asked the Board of Ethics to answer the following question:

“Can I, Jonathan Winkel, as an EDC and URC Commissioner serve in an executive and compensated role in SiW? Is it the opinion of this Board that I should, if offered an Executive Director role with Stamford Innovation Week; 1) Continue as both EDC and URC Commissioner and compensated Executive of Stamford Innovation Week, recusing myself where necessary? Or, 2) Resign from my position as an EDC and URC Commissioner?”

The Board of Ethics advised you, based exclusively on the known facts, that you can continue as Chair of the EDC, a Commissioner of the URC, and serve as Board Chairman of SiW so long as you recuse yourself where necessary. However, it is impossible to prospectively assess potential conflicts without knowing the specific facts and circumstances of particular board or committee actions in which you would be asked to participate. The Board of Ethics, therefore, recognizes that serving simultaneously as Chair of the EDC and as Board Chairman of SiW might present challenges in balancing the responsibilities of both positions while also managing potential conflicts.

With regard to your possible future Executive Director role with SiW, once you know the details of that position you should reassess whether you can serve as Executive Director of SiW while also serving as a URC Commissioner and as EDC Chair, and you should recuse yourself sufficiently as needed. To assist you in conducting this assessment, the Board of Ethics directed you to review Sections 19-5, 19-8 and 19-11 of the Code of Ethics, each of which prohibit officers or employees of the City of Stamford from participating in any decision or action from which the officer or employee, a member of the officer or employee’s family or a business with which the officer or employee is associated might gain or lose a material benefit that is not common to the general interest of other citizens of this City. For purposes of your question, the relevant portion of those code sections is “a material benefit that is not common to the general interest of other citizens of the City.”

If your assessment leads you to conclude that you can serve as Chair of the EDC, as a Commissioner of the URC, and as Executive Director of SiW and sufficiently avoid potential conflicts, it is incumbent on you to review your actions in real time to assess when recusal is necessary. In making these assessments, there is not, and cannot be, a hard and fast rule which will apply in all circumstances. By its nature, the assessment of conflicts will, to some degree, be based upon subjective factors which cannot be known until the circumstance arises. Accordingly, it is your obligation to act diligently to assure that no conflict arises pursuant to the rules. Hopefully, your conversations with the Board of Ethics during its February 27, 2019 meeting will provide you some guidance when making those future decisions. Of course, if any question arises, you may always re-approach the Board of Ethics. Please be guided accordingly.

In addition, multiple recusals might impact your work with one or more of the entities you serve. You may wish to raise the issue with your colleagues to determine how best to serve without the conflicts unduly impacting your service. However, decisions such as whether your

role is unduly compromised by repeated recusals are not for the Board of Ethics to make.

Please further note that the Board of Ethics cannot speculate upon unknown future events. You stated the SiW executive position does not presently exist and that the scope of the potential position is also not yet known. Indeed, it is not yet known whether you will even be offered the position (although it seems likely). Therefore, if you decide to accept a paid executive position with SiW, and once salary and operational controls are known, you will need to reassess whether a conflicts exist in serving in both capacities. To the extent that you need guidance in making a proper assessment, you might plan to seek a further Advisory Opinion from the Board of Ethics.

Thank you for proactively seeking advice on how to handle potential conflicts of interest, for your service to the City of Stamford, and for your efforts to expand and grow opportunities for innovation and entrepreneurship to benefit of our city and fellow citizens.