

CITY OF STAMFORD

Stamford Board of Ethics
Stamford Government Center
February 21, 2018
Advisory Opinion

To: Representative Eric B. Morson

From: City of Stamford Board of Ethics

Date: February 21, 2018

Re: Advisory Opinion

Dear Representative Morson:

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

1. You are a newly elected representative to the Board of Representatives and, as a member of the Fiscal Committee;
2. You are employed as a financial consultant with AXA Advisors;
3. In years past, AXA Advisors was an approved the vendor of the Board of Education, but is no longer doing business with the Board; and,
4. You are not a member of the Board of Education, however, your role on the Board of Representatives involves voting on the Board of Education's budget and may also involve voting on Board of Education vacancies; and,
5. You further advised us that, in order to avoid any appearance of impropriety, your employer's, Corporate Counsel has advised you to abstain from voting on any future Board of Education vacancies and Corporate Counsel has further requested that you obtain an opinion from this board regarding your ability to vote on city budgets, including the portion of the budget related to the Board of Education.

Based on that factual background, you asked the Board to answer the following question:

"May I fully participate in the budget process and vote on the entirety of the City budget, including that portion related to the Board of Education?"

As a preliminary matter, we advised you that consulting with your employer's Corporate Counsel is a very positive development. Further, your description of your Corporate Counsel's conservative approach to these matters will also stand you in good stead going forward. We encourage you to continue to consult with your Corporate Counsel in an effort to identify potential conflicts of interests.

With respect to your specific question: The Board advised you that as the question was phrased, the answer would be yes. The fact that you are an employee of a financial firm, which is also an approved vendor of the Board of Education would not by itself require you to abstain from a discussion or vote on budgeting issues-even those issues affecting the Board of Education. However, we also advised you that you should remain vigilant to prospectively assess any actual conflict that might exist or any circumstance that would require you to abstain from participation if a matter comes before the board of Representatives that could have an impact on AXA Advisors. It is impossible to assess prospectively potential conflicts without knowing the specific facts and circumstances of particular Board and committee actions in which you would be asked to participate. By way of further explanation, the Board directed you to review Sections 19-4, 19-5, and 19-8 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. In addition, section 19-11 requires disclosure in the case of such a conflict. 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.

Therefore, merely because you are an employee of an approved vendor (or former vendor) for the Board of Education, you are not prohibited from participating in matters that concern the Board of Education generally. However, you are prohibited from participating in any decision or action that would result in a gain or a loss to you, your family or businesses with which you are associated which is disproportionate to any gain or loss to another citizen of Stamford.

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 individual, and sometimes subjective factors that cannot be known until the circumstance arises. Accordingly, it is your obligation to act diligently to assess the potential impact that any Board or Committee action would have on you or your familial and business interests to assure that no conflict arises pursuant to the rules. Of course, if any question arises on a particular matter before your board, you may always re-approach this board for additional guidance. Please be guided accordingly.

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