

Board of Ethics  
City of Stamford  
888 Washington Boulevard  
Stamford, Connecticut 06901

June 1, 2011

James R. Fountain, Jr.  
[REDACTED]

Re: Request for Advisory Opinion dated May 10, 2011

Dear Representative Fountain:

You have requested that the Board of Ethics (the "Board") issue an advisory opinion concerning potential conflicts of interests relating to your service on the Board of Representatives and whether specific conduct would constitute a violation of the City of Stamford Code of Ethics (the "Code"). In issuing this response to your requests for advisory opinion, the Board relies on the information contained in your written request and on the statements you made in person at our meeting held on May 23, 2011.

Our response to your inquiry was the unanimous decision of the Board members present at our meeting. With respect to your May 10, 2011 request, we respond as follows:

1. Is there a conflict of interest with regard to my voting on the budgets of the volunteer fire departments due to the fact that one of my sons was a volunteer firefighter and then a paid firefighter at the Glenbrook fire house?

RESPONSE: Pursuant to Code Sec. 19-5A, we agree that there would be no conflict of interest by your voting on the budgets of the volunteer fire departments as long as the issue being voted upon does not have a material benefit to an immediate family member.

2. May I vote on any modifications to the fire districts, including plans proposed by the mayor or any alternative plans?

RESPONSE: Pursuant to Code Sec. 19-5D(7), we agree that you may vote on any modification to the fire district or the creation of a separate fire district presently covered by volunteer organizations, or to consolidate the latter into the Stamford Fire and Rescue Fire district, as the issues as you presented to us, do not appear to financially or otherwise impact an immediate family member.

We agree with your decision that you have chosen not to vote on any issue that appears to have a possibility of having a direct effect, or the appearance of a direct effect on your son who is a paid firefighter. Therefore, you have and will continue to abstain from votes on fire overtime and the contract for the fire chief. However, should other matters arise, you can approach the Board for additional opinions. We note that in situations where it is inappropriate for you to vote, you must also refrain from deliberations regarding those matters.

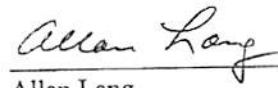
The scope of our authority is limited to the Code. The Board does not have the power to issue any opinion as to any other "local law" or with respect to any other obligation you may have as a member of the Board of Representatives.

This opinion is binding upon the Board unless amended or revoked, and your reliance upon this opinion in good faith is an absolute defense to any action or proceeding brought under the provisions of the Code with respect to the facts and circumstances as they have been presented to us.

Thank you for taking the time to request an advisory opinion, and for your service to the City of Stamford. Our Board was impressed by your clear desire to ensure that your service to the City is not in any way tainted by a potential conflict of interest, by your recognition of each of these issues, and by your diligence in presenting them to us.

We, the undersigned, were appointed by the Board to issue this advisory opinion which, as noted above, was the unanimous decision of the Board members present, and it is issued on behalf of the Board.

Very truly yours,

  
Allan Lang

  
Sarah Summons

cc: Donna Loglisci (Town Clerk)  
Members of the Board of Ethics