

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

September 22, 2005

Charles Conway
[REDACTED]
[REDACTED]

RE: Request for Advisory Opinion

Dear Mr. Conway:

You have requested the Board of Ethics (the "Board") issue an advisory opinion addressing two issues. In issuing this Advisory Opinion, the Board relies on the information contained in your written requests (9/7/05, 8/12/05) and on the statements made in person at our recent meeting (9/7/05).

The first issue you have asked the Board to address is whether the Board of Education may hire an emergency planning firm (the "Firm") to create an emergency plan for the Stamford Schools when the Firm's CEO currently serves on the Stamford Police Commission. The facts are as follows. The Board of Education is in the process of selecting a firm to create an emergency plan for all of the Stamford Schools (both public and private). The Board of Education issued a Request For Proposals (the "RFP") and received approximately twelve (12) written responses. These written responses were scored based on pre-established criteria. Personal interviews were conducted with the five (5) or six (6) firms with the top scores. Sometime after the Board of Education's receipt of the Firm's original Proposal, the Board of Education became aware that the CEO of the Firm currently sits on the Stamford Police Commission. Although this was not initially disclosed by the Firm, their CEO was not involved in the RFP process. The Police Department will likely work with the company that is eventually selected in that they may need to share information that will help the Firm create the emergency plan. The RFP process followed all applicable rules and guidelines.

It is the Board's opinion that if you were to vote as a member of the Board of Education to award the contract to the Firm, no conflict of interest under the Code of Ethics would exist. The selection process followed established protocol for RFPs. The Firm's participation complied with the protocol. The Firm's CEO did not participate whatsoever in the selection process.


The second issue you have asked the Board to address is whether, in light of your membership on the Board of Education, you may teach training classes on behalf of Emergency Medical Group ("EMG"). The facts are as follows. EMG is a company that was hired by the Superintendent of Schools to install defibrillator machines in several Stamford schools. EMG frequently hires you (on an independent contractor basis) to teach classes that train individuals on the use of the defibrillator machines and associated CPR training. The amount of money involved was not large enough to require a RFP. Because the contract with EMG is less than \$50,000 it was not required to appear before the Board of Education for a vote; the Superintendent of Schools has the authority to enter into these agreements unilaterally.

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does not address whether a conflict would exist should the contract or funding appear before the Board of Education for a vote in the future.

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 of Ethics.

Thank you for taking the time to request an advisory opinion, and for your service to the City of Stamford.

Very truly yours,

Amy J. LiVolsi
Chairman, Board of Ethics

cc: Donna Loglisci (redacted copy)
Members of the Board of Ethics (Summons, Anderson, Levine, Young)