


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

April 30, 2004

Mr. David Martin


RE: Request for Advisory Opinion

Dear Mr. Martin:

You have asked the Board of Ethics (the "Board") to issue guidelines of general applicability to guide the actions of members of the Board of Education, Board of Finance and Board of Representatives when voting on the budget items and/or appropriations for the education budget where the member or any family members are an employee of the Board of Education.

The Board will not issue guidelines of general applicability or address any scenario other than those that are personal to you. It is our opinion that the advisory opinion mechanism is not the proper vehicle to issue these types of guidelines.

You have also requested the Board issue an advisory opinion addressing whether a conflict of interest exists under the City of Stamford Code of Ethics (the "Code") under the following set of facts and circumstances. You are a member of the Board of Representatives. Your wife is currently employed by the Board of Education. You have asked to Board to determine whether it would be a conflict for you, in your capacity as City Representative, to vote on budget items and/or appropriations for the education budget.

In reviewing your request the Board considered the Code of Ethics sections 19-2[1]¹, 19-4[2]², 19-5A, and 19-8A[3]³. Section 19-5A provides,

¹ Section 19-2B of the Code of Ethics provides, "[o]fficers any employees of the City of Stamford must refrain from personal, business, financial and political activities that can reasonably be interpreted to reflect adversely on the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities."

² Section 19-4 of the Code of Ethics provides, "[n]o officer or employee shall engage in any business transaction or have any interest, directly or indirectly, which is in conflict with or incompatible with the proper discharge of his or her official duties or might influence or impair his or her independence of judgment and action in the performance of said duties."

³ Section 19-8 of the Code of Ethics provides "[a]n officer or employee shall not attempt to influence any other officer or employee about any matter before any city agency in which the former or any member of his

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"Unless otherwise provided by law, an officer or employee 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 has any interest in the matter or would be likely to gain or lose any benefit that is not common to the general interest of other citizens of the city." (Emphasis added).

It is the opinion of the Board that as a City Representative you shall not vote on the education budget while your wife is employed by the Board of Education. This presents a conflict under the Code. The Board is convinced of your integrity (as evidenced by your requesting this opinion and by your candor at our meetings) and wishes to thank you for your dedication and service to the City of Stamford.

This Opinion was reached by the unanimous decision of the Board. This Opinion is binding upon the Board unless amended or revoked, and 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.

Very truly yours,



Amy J. LiVolsi
Chairman, Board of Ethics

cc: Donna Loglisci, Town Clerk
Members of the Board of Ethics (Kaplan, Summons, Anderson, Levine, Klein, Valdes)

or her family has an interest, or in which said officer or employee would be likely to gain or lose any material benefit that is not in common to the general interest of other citizens of this city."