

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

November 13, 2002

XXXXXXXXXX

RE: Request for Advisory Opinion

Dear XXXXXXXX:

You have requested the Board of Ethics (the "Board") issue an advisory opinion as to whether, in light of your employment by the City of Stamford as a Design Engineer, you may provide professional design services to private individuals seeking to obtain a building permit from the City of Stamford.

In issuing this opinion, the Board relies upon the information you provided. The Board has considered your original written request dated October 20, 2002, and your comments at our November 6, 2002 meeting. You informed the Board that the Building Department is under the jurisdiction of the Engineering Bureau, and that you and the Chief Building Official report directly to the City Engineer.

It is the Board's opinion that you may not provide design services to private individuals seeking to obtain a building permit from the City of Stamford as such representation would violate §19-6A¹, §19-8A² and §19-8C³ of the Code of Ethics. Additionally, the Board believes such representation would enhance the potential for a violation of §19-4⁴ of the Code. Finally, the Board cautions you against the violation of §19-12⁵.

At our meeting you provided a copy of a memo (10/16/02) from Antonio Iadarola, PE which addresses the City's policy and states "[a]ny representation and/or performance of work (by an Engineering Bureau Employee) on behalf of a private interest submitted to the Building Department is not allowed." The role

¹ "Prohibited Representation. No officer or employee shall represent a person, other than the city, before the agency of which he or she is a member or by which he or she is employed, or an agency under his or her supervisory authority, except for representation of constituents by an officer in the course of his or her responsibilities as such." Code of Ethics §19-6A.

² "Prohibited Use of Influence and Information. An officer or employee shall not attempt to influence any other officer or employee about any matter before any city agency in which the former ... has an interest, in which said officer or employee would be likely to gain or lose any material benefit that is not common to the general interest of other citizens of the city." Code of Ethics §19-8A.

³ "Prohibited Use of Influence and Information. An officer or employee shall not use information concerning the property or governmental affairs of the city, other than that which is generally available to the public, for the purpose of advancing the financial or personal interest of himself, herself or others." Code of Ethics §19-8C.

⁴ "Conflict of Interests; Interference With Duties. No officer or employee shall engage in any business or transaction or have an 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.

⁵ "Negotiation of Future Employment. An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency in which the officer or employee is employed during said period of employment or during the period of time said officer holds office. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1,000) or more or involves a question of policy of comparable significance." Code of Ethics §19-12.

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of the Board of Ethics is limited to the confines of the Code of Ethics itself. Consequently, we do not express an opinion regarding the content of this Memo.

At our meeting you questioned whether a proper disclosure of interest pursuant to Section 19-11 would be sufficient to protect you from Code of Ethics violations in conjunction with future representation of individuals seeking a City of Stamford building permit. It is the opinion of the Board that a §19-11 disclosure will not provide this protection. Section 19-11 was not intended to create a "safe harbor" for future Code violations by allowing individuals to merely file a disclosure at the start of a new relationship. However, the Board believes a §19-11 disclosure must be made immediately for those matters in which you are currently involved. This will allow you and your supervisor to create appropriate safeguards and "firewalls."

Thank you for taking the time and effort to request this advisory opinion in advance of any future representation.

This letter is written pursuant to the unanimous decision of the Board (LiVolsi, Kaplan, Levine, Summons and Anderson; Klein absent).

Very truly yours,



Amy J. LiVolsi
Chairman, Board of Ethics

cc: Town Clerk (redacted copy)
Members of the Board of Ethics (Kaplan, Summons, Anderson, Levine, Klein)