

CITY OF STAMFORD
BOARD OF ETHICS
888 Washington Boulevard
Stamford, CT 06901

November 11, 1999

PERSONAL & CONFIDENTIAL

Andrew J. McDonald, Esq.
Director of Legal Affairs
City of Stamford
888 Washington Boulevard
P. O. Box 10152
Stamford, CT 06904-2152

Dear Mr. McDonald:

You have requested the Board of Ethics to issue an advisory opinion as to whether the firm of Pullman & Comley, LLC may represent the Urban Redevelopment Commission with specific reference to Swiss Bank matters and bonding work for the URC. This issue arises because you have, since January 1, 1999, been a partner in Pullman & Comley, LLC. By correspondence and by presentation at the Board of Ethics meeting on November 3, 1999, you and Bruce Goldberg as General Counsel of the URC represented the following to the Board of Ethics:

1. Pullman & Comley represents the Urban Redevelopment Commission in pending condemnation and environmental matters relating to Swiss Bank. The Urban Redevelopment Commission wishes to retain Pullman & Comley in connection with bonding matters as to which there has been competitive bidding, and Pullman & Comley is the most inexpensive and most desirable bidder from the standpoint of the Urban Redevelopment Commission.
2. You are a partner in Pullman & Comley, LLC.

3. The City Office of Legal Affairs has no control over the URC. All URC plans require approval by various City Boards, including the Planning Board, Board of Finance, and Board of Representatives. The Mayor has, however, the right to remove members of the URC.

4. The City has its own independent bond counsel, Robinson & Cole, and has used Robinson & Cole for over fifteen years. The Law Department has contacts with the URC insofar as the negotiation of leases is concerned, in which the URC is represented by Bruce Goldberg. There are no other points of contact between the Law Department and the URC, and any matters relating to bonding are taken care of exclusively by Robinson & Cole on behalf of the City and Pullman & Comley on behalf of the URC.

5. There is an existing "firewall" at Pullman & Comley with reference to Swiss Bank matters so that you do not have access to information or files relating to work performed by Pullman & Comley for the Urban Redevelopment Commission. You have made a commitment that this firewall will be extended so that you will not have any access to any bonding files at Pullman & Comley relating to the URC. Further, Pullman & Comley agrees to do no leasing work for URC in which the URC might interface with the Law Department of the City of Stamford.

6. In the event that the Board of Representatives or any other municipal Board deals with any bonding issue of URC, Robinson & Cole will advise the Board of Representatives or such other Board as to its approval and other functions. This limiting condition will be maintained during your job tenure with the Law Department.

7. Should any conflict of interest arise, Pullman & Comley agrees to resign as counsel to the URC in any pending matters.

The opinion stated herein is conditioned upon the accuracy of the representations stated above and upon the fulfillment of the conditions stated above by Pullman & Comley, LLC and by yourself. Based upon these, the Board has determined that the Urban Redevelopment Commission may use the services of Pullman & Comley, LLC as stated above and you may continue as Director of Legal Affairs of the City of Stamford. We believe that, under existing circumstances, there is no conflict of interest or violation of the Code of Ethics.

In accordance with Section 19-14(C)(1) of Ordinance 706 Supplemental, this opinion is binding upon the Board of Ethics and upon you unless amended and revoked, and reliance upon this opinion by good faith is an absolute defense to any action or proceeding brought under the provisions of the Code of Ethics. This letter is written pursuant to a unanimous decision of Lois B. Anderson, Esq., Dr. Mel Grove, Howard C. Kaplan, Esq., and Mr. Sheldon Levine.

Very truly yours,

A handwritten signature in black ink, appearing to read "Howard C. Kaplan", written over a horizontal line.

Howard C. Kaplan
Member & Acting Chairperson
Stamford Board of Ethics

HCK:ebw

c: Lois B. Anderson, Esq.
Dr. Mel Grove
Sheldon Levine
Amy LiVolsi, Esq. ✓
Sarah F. Summons, Esq.