



CITY OF STAMFORD

888 WASHINGTON BOULEVARD  
P.O. BOX 10152  
STAMFORD, CT 06904-2152

July 16, 1994

Dear Mr.

You have advised the Board that you are presently seeking appointment to the Charter Revision Commission. The Commission is to be appointed by the Board of Representatives. You have also advised the Board that from time to time you represent individuals before the various land use Boards of the city. It is our understanding that your work involves your being compensated for your efforts. You may or may not be representing individuals before the City boards at this time.

Your question involves the applicability of Code of Ethics while you serve on the Charter Revision Commission.

The Board of Ethics recognizes that the Charter Revision Commission has no direct power to make any changes. The Commission's recommendations are forwarded to the Board of Representatives for further action as that body warrants. However Section 3 of Ordinance 706 Supplemental defines agency to include "a board, agency, commission, department or other entity of the city". The Board has previously held that other less formal committees such as ad-hoc committees appointed by the Mayor are within the jurisdiction of the Ordinance. The Board is of the opinion that the Charter Revision Commission is an agency as defined by Ordinance 706 Supplemental. Therefore members of the Charter Revision Commission are subject to the rules of compliance of the Code of Ethics.

Your situation is very similar to that of an attorney. Having considered your question, the facts presented in your letter, prior rulings as well as other available information the Board is of the opinion that section 6(a) and section 6(b) are both applicable to your situation. This can be illustrated by presenting you with two examples.

The first situation involves a scenario where you are asked to represent a client before a City land use board. During your tenure on the Charter Revision Commission the land use Boards will be under your jurisdiction. Section 6(a) prohibits you from representing anyone, other than the City itself, before a city board under your jurisdiction. Thus if you are representing someone before a land use board you would have a conflict of interest. This cannot be cured by simply disclosing the conflict. If you are a member of the Charter Revision Commission you must refrain from representing anyone before a city board or agency while serving as a member of the Charter Revision Commission.

The Board is of the opinion that Section 6(b) is also applicable to your situation as well as attorney's and other consultants. Section 6(b) requires an officer of the City "who is employed or under retainer by a person having a matter pending before the agency of which the officer is a member to disclose that fact and refrain from participation in the matter". Section 6(b) is broad in scope. It is conceivable that you have clients that you represent or work with in a variety of matters. Many of these would not involve work before a city board. For example you could be representing a client in a land use matter in another city or town. This would be much like a lawyer representing someone in a civil matter, criminal matter or even a divorce. Under Section 6(b) if that client appears before the Charter Revision Commission you would be required to disclose that fact to the Chairman. You would also be required to abstain from discussing or voting on anything having to do with the topic that your client addresses. This would mean that you could have to disqualify yourself on matters other than land use.

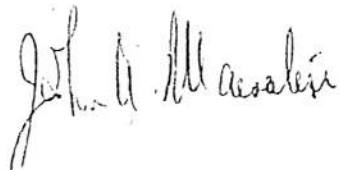
Given the broad applicability of Section 6(b) to consultants like yourself, the Board has considered the possibility that a question of relationships arises. For example, your client may be a corporation and the person who appears before the Charter Revision Commission is an owner of the corporation. The Board considers the relationship of a majority owner of a corporation to render that entity and the individual as one and the same for purposes of Section 6. Other cases will be considered on an a case by case basis.

Provided there is no change in the facts as presented to the Board, reliance upon this opinion shall constitute, until revoked or amended, an absolute

defense in any action or proceeding brought against you under the Code of Ethics as it relates to this matter only.

The Board is happy to consider all requests for advisory opinions in advance of a transaction or event. We thank you for your interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Marsalisi".

John A. Marsalisi  
Secretary