

Advisory #1994-5

Board of Ethics
City of Stamford
888 Washington Boulevard
PO Box 10152
Stamford CT. 06904-2152

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Chas. P. Bennett
STAMFORD TOWN CLERK

October 22, 1994

John F. Leydon, Esq.
Ryan, Ryan, Johnson, Clear & Deluca
80 Fourth Street
Stamford, CT. 06905

Dear Mr. Leydon,

The Board has considered your recent request for an advisory opinion. You are presently a member of the Board of Representatives. You are a practicing attorney employed as a member of a law firm. You have requested an opinion as to whether a proposed transaction would result in a violation of Ordinance 706 Supplemental, the Code of Ethics,

The proposed transaction involves your representing a client before the Office of the Stamford Tax Assessor. Representation would be expected to be for the purpose of establishing a correct valuation of the client's property subject to tax. Your work could also involve an appearance before the Stamford Board of Tax Appeals. It is assumed that you would have a financial interest in representing a client in the manner described. It is the Board's understanding that the Tax Assessor's office is governed by the rules and regulations established by the state legislature. These would include the manner and methodology of valuation. State mandated regulations also govern the appeal process. The Board of Representatives has no jurisdiction in these areas. The Board of Representatives does exercise jurisdiction over the Assessor's budget. It is the Board's understanding that when voting on a budget matter you are not voting with respect to a particular person in the Assessor's office but rather the budget as a whole.

The Board has reviewed the Ordinance especially Sections 4, 5 and 6. Given the facts as you have represented them the Board is of the opinion that the proposed transaction would not constitute a violation of the Code of Ethics.

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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 appreciates your taking the time and effort in seeking this advisory opinion.

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L. Pont-Briant
STANFORD TOWN CLERK

Sincerely,

John A. Marsalisi
Secretary

cc: L. Pont-Briant, Town Clerk