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Chris [Signature]
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CITY OF STAMFORD

888 WASHINGTON BOULEVARD
P.O. BOX 10182
STAMFORD, CT 06904-2182

June 28, 1993

Dear Representative

On June 23, 1993 you requested advice with respect to the following:

The Board of Representatives presently has before it a proposed ordinance pertaining to lead levels that is expected to have a direct effect upon real estate interests. You are an elected official serving on the Board of Representatives of the City of Stamford. The Board of Representatives is responsible for enacting ordinances governing the operation of City Departments and establishing standards. Members of the Board of Representatives are not compensated for their work. Your chosen occupation does involve clients with real estate interests. You have represented to us that while you are employed in Stamford you are not at this time representing any clients involved in the purchase or disposal (other than the mere listing in an MLS service) of real estate within the City proper. You have also represented to this Board that you are compensated strictly on a commission basis and do not have any financial interest, direct or indirect, in the ownership of your employer. Further your employer does not maintain any profit-sharing or bonus arrangement based upon the profitability of the firm. Thus you do not have a financial interest in the efforts of your co-workers. The Board of Ethics is also relying upon your representation that you do not have any financial interest in rental real estate that could be subject to the proposed ordinance.

The Board of Ethics is aware of the fact that as an elected official you have an obligation to represent the constituents that elected you. At the same time you, as well as all employees and Officers of the City, are governed by Ordinance 706. The balance between your responsibilities as a legislator and your obligations under the Code of Ethics was established by the Board of Representatives when Ordinance 706 supplemental, and its predecessors, was enacted. This Board has evaluated your specific situation and considered the various applicable sections of the Code of Ethics. The Board of Ethics has taken special note of Sections 5A and 6B. Section 5A states:

...an officer or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member... if said individual or any member of their family has any interest in the matter or would be likely to gain any benefit that is not common to the general interest of the other citizens of the city.


Section 6B requires that an officer or employee who is employed or under a retainer by a person having an interest in a pending matter disclose such matter and abstain from participation in the matter.

The Board of Ethics recognizes that the ordinance could impact a representative's principal residence. However that type of an interest is not uncommon to other citizens of the city. Further, representation of constituents on a non-compensatory basis is provided for by Section 6A.

It is the opinion of the Board of Ethics that your participation in the legislative process as it relates to the aforementioned proposed ordinance would not give rise to a violation of the Code of Ethics. Provided there is no change in the facts as presented to the Board of Ethics, 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.

We thank you for your interest.

Sincerely,


John A. Marsalisi
Secretary