



RECEIVED FOR RECORD Board of Ethics
STAMFORD CITY CLERK OFFICE
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CITY OF STAMFORD

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444 WASHINGTON BOULEVARD

P.O. BOX 10162

STAMFORD, CT 06904-2162

URG. CLERK

October 7, 1993

Stamford, Ct. 06906

Dear

On July 6, 1993 you requested advice with respect to six situations wherein you are representing the buyer or seller of real estate located within the City of Stamford.

The Board of Representatives has or may have 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. It is our understanding that your compensation for these matters is fee based but is not contingent upon consummation of the transaction.

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. In June of this year the Board issued two advisory opinions copies of which are on file with the Town Clerk. In those rulings the Board relied upon the representations that the individuals did not have a financial interest that could be affected by the debate and a vote on the lead ordinance.

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. However in the event that you are asked to represent property owners who would fall under the proposed ordinance and your compensation was contingent upon completion of a transaction, you could be considered to have a financial interest that is not consistent with the general populous of the city. In that event your subsequent participation in the legislative process could rise to the level of a violation of the Code of Ethics.

We thank you for your interest.

Sincerely,


John A. Marsalisi
Secretary

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